

Michigan Register

Issue No. 13– 2002 (Published August 1, 2002)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

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Dick Posthumus, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

MCL 24.208 states:

Sec. 8 (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
 - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
 - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
 - (d) Proposed administrative rules.
 - (e) Notices of public hearings on proposed administrative rules.
 - (f) Administrative rules filed with the secretary of state.
 - (g) Emergency rules filed with the secretary of state.
 - (h) Notice of proposed and adopted agency guidelines.
 - (i) Other official information considered necessary or appropriate by the office of regulatory reform.
 - (j) Attorney general opinions.
 - (k) All of the items listed in section 7(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.
- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
 - (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
 - (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
 - (5) An agency shall transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

MCL 4.1203 states:

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of Michigan register at a price determined by the office of regulatory reform not to exceed cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reform for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reform is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reform, Executive Office, George W. Romney Building, 111 S. Capitol Avenue, Lansing, MI 48933

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$110.00 per year. Submit subscription requests to: DMB, Office of Administrative Services, P.O. Box 30026, 320 South Walnut Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reform (517) 373-0526.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reform: www.state.mi.us/orr

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reform Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Brian D. Devlin, Director
Office of Regulatory Reform

2002 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
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5	March 15, 2002	April 1, 2002
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FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

ORR # 2001-003

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

ELEVATORS

Filed with the Secretary of State on July 8, 2002.

This rule takes effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of consumer and industry services by section 8 of 1967 PA 227 and Executive Reorganization Order No. 1996-2, MCL 408.808 and 445.2001)

R 408.8151 of the Michigan Administrative Code is amended to read as follows:

R 408.8151 Fees.

Rule 151. (1) Fees shall be paid in accordance with the following schedule:

Commissions to inspect elevators	
Commission	\$25.00.
Commission renewal	\$25.00.
Examination for certificates of competency	
Certificate of competency examination	\$35.00.
Elevator contractor's licenses	
Elevator contractor's license and renewal	\$75.00.
Elevator contractor's examination	\$45.00.
Elevator journeyperson license and renewal	\$20.00.
Elevator journeyperson examination	\$25.00.
Installation permits	
Base permit fee for each of the following devices:	\$200.00.
Passenger elevator	
Freight elevator	
Mine elevator	
Inclined elevator	
Limited-use/limited application elevator	
Private residence elevator	
Special purpose personnel elevator	
Dumbwaiter	

Material lift	
Plus \$25.00 for each hoistway opening	
Escalator	\$200.00.
Moving walk	\$200.00.
Power sidewalk elevator	\$200.00.
Rooftop elevator	\$200.00.
Personnel hoist, initial inspection	\$350.00.
Personnel hoist tower rise	\$150.00.
Belt personlift	\$175.00.
Special elevating device	\$200.00.
Barrier free lifting device	\$200.00.
Private residence platform lift and private residence stairway chairlift	\$75.00.
Platform lift and stairway chairlift in buildings other than private residence	\$100.00.
Private residence outdoor inclined lift	\$75.00.
Outdoor inclined lift at buildings other than private residence	\$100.00.

A final inspection fee is included in the installation permit fee. If a scheduled final inspection is canceled without due notice to the department, or if the elevator is not complete, in the judgment of the general inspector, an additional fee of \$300.00 shall be charged to the elevator contractor.

Major alteration permits

First alteration (including 1 final inspection)	\$110.00.
Each additional alteration	\$45.00.
Maximum alteration fee	\$280.00.

Certificate of operation

Annual certificate of operation	\$35.00.
Temporary certificate of operation	\$140.00.

Inspection by general inspector

Inspection	\$110.00.
Follow-up	\$110.00.

Special services

The department may provide, upon written request, special services that are not otherwise covered in the fee structure. The charge for this service shall be at the rate of \$50.00 per hour including travel time.

(2) Fees that are required pursuant to the provisions of the act shall be paid to the department. Checks or money orders shall be made payable to the "State of Michigan."

ADMINISTRATIVE RULES

ORR # 2001-025

DEPARTMENT OF AGRICULTURE

PESTICIDE AND PLANT PEST MANAGEMENT DIVISION

REGULATION NO. 636. PESTICIDE APPLICATORS

Filed with the Secretary of State on June 26, 2002.

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of agriculture by section 8325 of 1994 PA 451, MCL 324.8325)

R 285.636.1, R 285.636.2, R 285.636.3, R 285.636.4, R 285.636.5, R 285.636.7, R 285.636.8, R 285.636.12, and R 285.636.15 of the Michigan Administrative Code are amended, and R 285.636.10 of the Code is rescinded as follows:

R 285.636.1 Definitions.

Rule 1. (1) As used in these rules:

"Act" means 1994 PA 451, MCL 324.8301 et seq.

"Aerial application" means the application of a pesticide by aircraft.

(c) "Applicator" means a person who applies pesticides by any method for any purpose at any place.

(d) "Concentration" means the volume of pesticide formulation and the volume of carrier used to create an end use dilution.

(e) "Forest" means a concentration of trees and related vegetation in nonurban areas, which is sparsely inhabited, and infrequently used, by humans and which is characterized by natural terrain and drainage patterns.

(f) "Fumigation" means the application of pesticide gases in sealed enclosures or structures, including any of the following:

(i) Soil.

(ii) Stored grain.

(iii) Railway cars.

(iv) Trucks.

(v) Greenhouses.

(vi) Indoor areas.

(g) "Incidental use" means the application of a general use pesticide as an accompanying minor occurrence to a primary work assignment.

(h) "Licensed commercial applicator" means the owner, operator, or manager of a licensed pesticide application business.

(i) "Private registered applicator" means an applicator who applies pesticides as a scheduled and required work assignment for a private agricultural purpose.

(2) The terms defined in the act have the same meanings when used in these rules.

R 285.636.2 Application for certification or registration.

Rule 2. An applicator who is required to be certified or registered under the act shall apply on a form prescribed by the director and pay the required fee. Commercial applicators shall designate the category or categories of certification or registration desired in accordance with R 285.636.3. The application and fee are void 6 months from the date the application is received.

R 285.636.3 Certification or registration categories and subcategories for commercial applicators.

Rule 3. (1) Agricultural pest management. All of the following are subcategories of pesticide application for commercial applicators pertaining to agricultural pest management:

(a) Field crops. This subcategory includes applicators who use pesticides for the production of field crops, such as any of the following:

- (i) Cereal grains.
- (ii) Feed grains.
- (iii) Beans.
- (iv) Soybeans.
- (v) Sugarbeets.
- (vi) Forage.

(b) Vegetable crops. This subcategory includes applicators who use pesticides for the production of vegetable crops, such as any of the following:

- (i) Tomatoes.
- (ii) Potatoes.
- (iii) Snap beans.
- (iv) Celery.
- (v) Onions.
- (vi) Cucurbits.
- (vii) Cole crops.
- (viii) Sweet corn.

(c) Fruit crops. This subcategory includes applicators who use pesticides for the production of tree fruit, such as any of the following:

- (i) Apples.
- Cherries.
- (iii) Pears.
- (iv) Peaches.
- (v) Plums.
- (vi) Nuts.

This subcategory also includes small fruit crops, such as blueberries, strawberries, grapes, and raspberries.

(d) Livestock pest management. This subcategory includes all of the following entities:

- (i) Applicators who use pesticides on animals, including any of the following:
 - (A) Cattle.
 - (B) Swine.
 - (C) Sheep.
 - (D) Horses.
 - (E) Goats.

(F) Other livestock.

(G) Poultry.

(ii) A person who uses pesticides on or in places where animals are confined.

(iii) Doctors of veterinary medicine who are engaged in the business of applying pesticides for hire, who publicly hold themselves out as pesticide applicators, or who are engaged in the use of pesticides aside from the normal practice of veterinary medicine.

(2) Forest pest management. The following are subcategories of pesticide application for commercial applicators pertaining to forest pest management and forest products preservation:

(a) Forest pest management. This subcategory includes commercial applicators who use, or supervise the use of, pesticides in any of the following areas:

(i) Forests.

(ii) Forest nurseries.

(iii) Christmas tree plantations.

(iv) Forest seed-producing areas.

This subcategory does not include commercial applicators who use, or supervise the use of, pesticides for wood preservation of forest products.

(b) Forest products preservation. This subcategory of forest pest management includes commercial applicators who use, or supervise the use of, pesticides for preserving wood products.

(3) Turf grass, ornamental plants, and shade tree pest management. This category includes the following subcategories of pesticide application for applications pertaining to turf grass pest management and ornamental plants and shade tree pest management:

(a) Turf grass pest management. This subcategory includes applicators who use pesticides to manage pests of turf grasses.

(b) Ornamental plants and shade tree pest management. This subcategory includes applicators who use pesticides to manage pests of ornamental plants in exterior areas, such as evergreens, shrubs, and shade trees.

(4) Seed treatment. This category includes applicators who use pesticides on any of the following:

(a) Seeds.

(b) Corms.

(c) Tubers.

(d) Rhizomes.

(e) Stolons.

(f) Other plant parts used for propagation.

(5) Aquatic pest management. This category includes applicators who use pesticides which are applied to lakes, ponds, streams, marshes, or ditches and tributaries which flow into them or which are applied to surfaces that contact such bodies of water to manage aquatic pests. This category does not include applicators who engage in mosquito management. This category includes the following subcategories:

(a) Swimming pools. This subcategory includes applicators who use pesticides in maintaining public or private swimming pools to manage algae, bacteria, or other swimming pool pests.

(b) Microbial pest management. This subcategory includes applicators who use pesticides in any of the following to manage bacteria, fungi, algae, or viruses:

(i) Cooling towers.

(ii) Air washers.

(iii) Evaporative condensers.

(iv) Pulp and paper mills.

(v) Sewer treatment.

Other applications.

(c) Sewer line pest management. This subcategory includes applicators who use pesticides in sewer lines for root control.

(6) Right-of-way pest management. This category includes applicators who use pesticides in the maintenance of any of the following:

- (a) Public roads.
- (b) Ditch banks.
- (c) Electric power lines.
- (d) Pipelines.
- (e) Railway rights-of-way.
- (f) Parking lots.
- (g) Tennis courts.
- (h) Similar noncrop areas.

(7) Industrial, institutional, structural, and health-related pest management. This category includes the following subcategories:

(a) General pest management. This subcategory includes applicators who use pesticides in, on, or around any of the following:

- (i) Food-handling establishments.
- (ii) Human dwellings.
- (iii) Institutions, such as schools and hospitals.
- (iv) Industrial establishments, including warehouses and grain elevators.
- (v) Any other structure or adjacent areas, including public or private vehicles.
- (vi) The treatment of areas or structures set forth in paragraphs (i) to (v) of this subdivision for indoor mosquito management.
- (vii) The protection of stored, processed, or manufactured products.

This subcategory does not include applicators who engage in the management of wood-destroying organisms as specified in subdivision (b) of this subrule.

(b) Wood-destroying organism management. This subcategory includes applicators who use pesticides in, on, or around structures for the management of wood-destroying pests, such as any of the following:

- (i) Termites.
- (ii) Powder post beetles.
- (iii) Carpenter ants.
- (iv) Wood-destroying fungi.
- (c) Reserved.

(d) Vertebrate pest management. This subcategory includes applicators who use pesticides to manage vertebrate pests, such as birds, rats, or mice.

(e) Interior plant pest management. This subcategory includes applicators who use pesticides in the maintenance of plants at inside locations, such as any of the following:

- (i) Homes.
- (ii) Offices.
- (iii) Shopping malls.
- (iv) Stores.
- (v) Similar sites.

(f) Mosquito management. This subcategory includes applicators who use pesticides to manage mosquitoes in an outside environment.

- (g) Domestic animal pest management. This subcategory includes applicators who use pesticides to control pests associated with small domestic animals, such as cats and dogs.
- (8) Public health pest management. This category includes state, federal, or other government employees who use pesticides in public health programs for the management of pests that have medical and public health importance, excluding mosquitoes.
- (9) Regulatory pest management. This category includes state, federal, or other government employees who use pesticides in the management of regulated pests.
- (10) Demonstration and research pest management. This category includes individuals who demonstrate to the public the proper use, and techniques of application of pesticides, who supervise the demonstrations, or who conduct field research with pesticides and, in so doing, use restricted-use pesticides.

R 285.636.4 Standards for certification of commercial applicators.

Rule 4. Commercial applicators shall demonstrate a practical knowledge, by written examination, of the principles and practices of pest management, pesticide label comprehension, and the safe use of pesticides, including the general standards applicable to all categories and the standards specifically identified for each category or subcategory designated by the applicant, as set forth in 40 C.F.R. §171.4 and these rules. These standards are adopted in these rules by reference and are available from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, at no cost, or from the Michigan Department of Agriculture, P.O. Box 30017, Lansing, Michigan 48909, at no cost. Applicators who apply pesticides by aircraft or who apply fumigants shall be examined on the additional standards specifically identified for the methods of application as specified in subdivision (c) of this rule. The standards for certification are as follows:

- (a) All subcategory standards shall include a practical knowledge of all of the following:
 - (i) Relevant and associated pests.
 - (ii) Environmental fate of pesticides.
 - (iii) Pesticide formulations in use and application equipment, equipment calibration, and methods of application.
 - (iv) Safety procedures to protect nontarget organisms.Integrated pest management principles.
Container disposal and storage.
Worker safety.
- (b) Subcategory standards for particular categories shall be as follows:
Field crops (R 285.636.3(1)(a)), vegetable crops (R 285.636.3(1)(b)), fruit crops (R 285.636.3(1)(c)), and animal subcategories (R 285.636.3(1)(d)).
Applicators shall demonstrate a practical knowledge of all of the following:
 - (A) The relevant crops or agricultural practices.
 - (B) Pesticide residues.
 - (C) Phytotoxicity where applicable.
 - (D) Precautions necessary to reduce farm worker exposure to pesticides.
- (ii) Forest pest management category (R 285.636.3(2)). Applicators shall demonstrate a practical knowledge of all of the following:
 - (A) Forest pests and their life cycles and management.
A general understanding of forest ecosystems.
The potential effect of pesticide applications on nontarget organisms.
 - (iii) Forest products preservation subcategory (R 285.636.3(2)(a)).
Applicators shall demonstrate a practical knowledge of all of the following:

- (A) The principles and practices associated with the safe use of wood preservatives.
- (B) Obtaining site information.
- (C) Protecting wildlife and endangered species.
- (D) Maintaining surface water quality.

(iv) Turf grass pest management subcategory (R 285.636.3(3)(a)).

Applicators shall demonstrate a practical knowledge of all of the following:

- (A) The maintenance of turf.
- (B) Phytotoxicity.
- (C) Lawn grass species.
- (D) Physiological conditions.
- (E) The necessary procedures and precautions associated with the application of pesticides for the maintenance of lawn grasses.

(v) Ornamental plants and shade tree pest management subcategory

(R 285.636.3(3)(b)). Applicators shall demonstrate a practical knowledge of the maintenance of ornamental plants and shade trees, including all of the following:

- (A) The physiologic conditions of ornamental plants and shade trees.
- (B) The calibration techniques unique to ornamental plant and shade tree pest management.
- (C) The necessary procedures and precautions associated with the application of pesticides for the maintenance of shade trees and ornamental plants in the urban environment.

(vi) Seed treatment subcategory (R 285.636.3(4)). Applicators shall demonstrate a practical knowledge of the methods required to prohibit the contamination of grains that may be utilized for feed or food purposes.

(vii) Aquatic subcategory(R 285.636.3(5)). Applicators shall demonstrate a practical knowledge of all of the following:

- (A) The potential for human exposure after the pesticide application.
- (B) The potential for surface or groundwater contamination.
- (C) The requirement for obtaining permits from the Michigan department of environmental quality.

(viii) Swimming pools subcategory (R 285.636.3(5)(a)). Applicators shall demonstrate a practical knowledge of the application techniques and water management principles associated with the treatment of swimming pools and

a practical knowledge of the effects of swimming pool treatment on humans.

(ix) Microbial pest management subcategory(R 285.636.3(5)(b)).

Applicators shall demonstrate a practical knowledge of the principles and practices associated with pesticide use to manage microbes, including application rates and pesticide efficiency use. In addition, applicators shall have knowledge of their responsibility to obtain discharge permits from the appropriate agencies.

(x) Sewer line pest management subcategory (R 285.636.3(5)(c)).

Applicators shall demonstrate a practical knowledge of principles and practices associated with pesticide use to manage root growth in sewer lines.

(xi) Right-of-way pest management subcategory (R 285.636.3(6)).

Applicators shall demonstrate a practical knowledge of vegetation management principles with an emphasis on application techniques to protect surface water.

(xii) General pest management subcategory (R 285.636.3(7)(a)).

Applicators shall demonstrate a practical knowledge of all of the following:

(A) A wide variety of pests, including all of the following with respect to pests:

- (1) Their life cycles.
- (2) Types of formulations appropriate for their management.

(3) Methods of application that avoid all of the following:

- (a) The contamination of food.
- (b) Damage and contamination of habitat.
- (c) Exposure of people and pets.

(B) The specific factors that may lead to a hazardous condition, including exposure to pesticides in the various situations encountered in this category.

(C) Indoor environmental conditions and the necessary procedures and precautions associated with the application of pesticides for the management of indoor pests in an urban environment.

(xiii) Wood-destroying organism management subcategory

(R 285.636.3(7)(b)). Applicators shall demonstrate a practical knowledge of all of the following:

(A) Wood-destroying organisms and their life cycles.

(B) The proper methods of pesticide application.

(C) The specific factors that may lead to human exposure or to contamination of groundwater, indoor air, or other components of the environment.

(xiv) Vertebrate pest management subcategory (R 285.636.3(7)(d)).

Applicators shall demonstrate a practical knowledge of the principles associated with the management of birds and other vertebrates, such as rats, mice, bats, tree squirrels, ground squirrels, skunks, moles, and snakes, and shall have knowledge of all of the following:

(A) Domestic animal, wildlife, and endangered species protection.

(B) Department of natural resources permits.

(C) Practices and precautions pertinent to the issues concerning the application of pesticides in urban environments.

(xv) Interior plant pest management subcategory (R 285.636.3(7)(e)). Applicators shall demonstrate a practical knowledge of physiological conditions associated with the maintenance of interior plants, including all of the following:

(A) Plant phytotoxicity and persistence of pesticides.

(B) Indoor air contamination.

(C) Drift.

(D) Calibration.

(E) General hazards to humans in an enclosed environment.

(xvi) Mosquito management subcategory (R 285.636.3(7)(f)).

Applicators shall demonstrate a practical knowledge of the principles associated with the management of mosquitoes, including all of the following:

(A) Their life cycles.

(B) Types of formulations appropriate for their management.

(C) Methods of application.

(D) Possible effects on water quality.

(E) The potential health effects on humans in the target area.

(xvii) Domestic animal pest management (R 285.636.7(g)). Applicators shall demonstrate a practical knowledge of the management of pests associated with small domestic animals, including, but not limited to, fleas and ticks.

(xviii) Public health pest management (R 285.636.3(8)). Applicators shall demonstrate a practical knowledge of the management of pests that have medical and public health importance, including their life cycles and habitats, and have a practical knowledge including all of the following:

(A) A variety of indoor and outdoor environments.

(B) Effects of large-scale pesticide application on human populations.

(C) The necessary procedures and precautions associated with the application of pesticides in an urban environment.

(xix) Regulatory pest management (R 285.636.3(9)). Applicators shall demonstrate a practical knowledge of regulatory pest management, including all of the following:

(A) Specific life cycles of the pest to be managed and appropriate management techniques.

(B) The potential impact of pesticide applications to nontarget areas or organisms.

(C) Structure and responsibility of cooperating state and federal agencies.

(D) General public notification procedures.

(xx) Demonstration and research pest management (R 285.636.3(10)).

Applicators shall be certified in the category or subcategory as required by R 285.636.3 and shall demonstrate a practical knowledge, including all of the following:

(A) Procedures required for conducting demonstration and research plots.

(B) Various methods of data analysis.

(C) Necessary precautions for ensuring commodity security and destruction, if required.

(D) Detailed knowledge of the state and federal pesticide registration process.

(c) Additional certification standards are as follows:

(i) Aerial applicators. Applicators who apply pesticides by aircraft shall demonstrate a practical knowledge of the techniques of aerial application and applicable federal aviation administration regulations.

Practical knowledge is required concerning nontarget injury that may result from the aerial application of pesticides.

(ii) Fumigation. Applicators shall demonstrate a practical knowledge of the principles and methods of fumigation. Practical knowledge is required concerning all of the following:

(A) Toxicity.

(B) The potential for environmental contamination.

(C) Applicator personal protection.

(D) Human exposure.

(E) Nontarget injury that may result from the use of pesticide gases in any environment.

(d) Applicators who request certification for a method of application that differs in part from one of the established categories set forth in R 285.636.3 shall demonstrate a practical knowledge of such standards determined by the director as being applicable to the method of application described by the applicant. Such standards prescribed by the director shall include the general standards applicable to all categories and the standards specifically identified as appropriate for the applicant's method of application.

R 285.636.5 Standards for certification of private applicators.

Rule 5. Private applicators shall demonstrate a practical knowledge of the principles and practices of pest management and the safe use of pesticides, including the standards for certification of private applicators set forth in 40 C.F.R. §171.5. These standards are adopted in these rules by reference and are available from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, at no cost, or from the Michigan Department of Agriculture, P.O. Box 30017, Lansing, Michigan 48909, at no cost. In addition, private applicators who apply pesticides by aircraft or apply pesticides by fumigation shall demonstrate a practical knowledge of the additional standards specifically identified for those methods of application in R 285.636.4(c). Private applicators include apiarists who apply restricted use pesticides to their own colonies for the management of bee diseases or parasites. Bee disease is defined in section 1 of 1976 PA 412, MCL 286.801.

R 285.636.7 Certificate of competence; credentials; issuance; expiration; renewal; replacement; certification in additional category or method.

Rule 7. (1) A qualified applicant for initial certification or registration shall be issued certification or registration credentials that are valid until December 31 of the third year after the year of issuance unless the director suspends or revokes the credential. A qualified applicant for recertification or reregistration shall be issued certification or registration credentials that are valid until December 31 of the third year after expiration of the previous credential unless the director suspends or revokes the credential.

(2) Commercial applicator certification and registration credentials shall show the categories and applicable methods of application specified in R 285.636.4(b) and R 285.636.4(c) for which the person has demonstrated competence.

(3) Private applicator certification or registration credentials shall show the applicable methods of application specified in R 285.636.4(c) for which the person has demonstrated competence.

(4) Certification or registration may be renewed by applying on a form prescribed by the director, by submitting the application fee prescribed by the act, and upon a determination that the applicant has met the qualifications established by the act and these rules. To assure that certified or registered applicators maintain competence in the use of pesticides, the director, as a condition for renewal, may require verifiable attendance at designated training meetings or may require an examination on changes in pesticide application technology or use patterns pertinent to the certification or registration category, or may require both.

(5) A certified or registered applicator who desires certification or registration in an additional category may apply on a form prescribed by the director. The application form shall be accompanied by the application fee established by the act. Upon satisfactory completion of the examination or training for the category or method as required by R 285.636.6, and upon surrender of the certification or registration credential, the applicant shall be issued a replacement certification or registration credential that shows the additional category and the expiration date of the replaced credential.

(6) An applicant who desires to renew his or her credential by seminar shall earn all renewal credits before the expiration of the credential.

R 285.636.8 Registered applicator standards.

Rule 8. (1) All registered applicators shall demonstrate, by examination, practical knowledge of the basic principles and practices of pest management, pesticide label comprehension, and the safe use of pesticides as set forth in R 285.636.4 and receive verifiable training as set forth in subrule (3) of this rule.

(2) All of the following general standards will be the basis of the examination:

(a) Appropriate procedures for the application of pesticides, including both of the following:

(i) Knowledge of various formulations of pesticides and proper methods of application.

(ii) The relationship of pesticide application to proper use, unnecessary use, and misuse.

(b) Label and labeling comprehension, including all of the following:

(i) The general format and terminology of pesticide labels and labeling.

(ii) Understanding instructions, classifications, warnings, terms, symbols, and other information commonly appearing on pesticide labels.

(iii) Understanding the requirements of pesticide use consistent with the label.

(c) Pest identification and pest management, including both of the following:

(i) Knowledge of general insect, disease, and weed characteristics used for identification.

(ii) Integrated pest management and its techniques.

(d) Safety factors, including all of the following:

(i) Pesticide toxicity and common routes of exposure.

- (ii) Precautions necessary to prevent injury to applicators and other individuals, including the appropriate use of protective clothing and equipment.
- (iii) Symptoms of pesticide poisoning.
- (iv) First aid and means of obtaining emergency medical treatment in case of an accident.
- (e) The potential environmental consequences of the use and misuse of pesticides as they may be influenced by such factors as environmental fate of pesticides and their effect on nontarget organisms.
- (f) Applicable state and federal laws and regulations.
- (3) Training programs for commercial registered applicators shall be approved by the director, be category-specific, and, include training in all of the following areas:
 - (a) Relevant and associated pests commonly encountered by the applicator.
 - (b) The environmental fate of pesticides.
 - (c) Pesticide formulations in use as well as application equipment, equipment calibration, and methods of application.
 - (d) Safety procedures to protect nontarget organisms.
 - (e) Integrated pest management principles.
 - (f) Container disposal and storage.
 - (g) Worker safety.
- (4) Noncertified or nonregistered applicators may apply general use pesticides as part of an approved training program for a period of 2 consecutive weeks, while under the direct supervision of a certified applicator. The approved trainer shall notify the director when the 2-week pesticide application period begins using a form and procedure approved by the director. Noncertified and nonregistered applicators shall not apply pesticides until the director has received the notification prescribed in this rule. The noncertified or nonregistered applicator shall have in his or her possession a copy of the notification form and display the copy to the director upon request.
- (5) Training programs for private registered applicators shall be approved by the director and may include training courses as offered by the cooperative extension service that address relevant topics.

R 285.636.10 Rescinded.

R 285.636.12 Application for license.

- Rule 12. (1) Application for a license to engage in the business of applying pesticides shall be made on a form prescribed by the director. The applicant shall be a certified applicator or shall employ a certified applicator to apply, or supervise the application of, pesticides. The certified applicator named on the license application shall not represent more than 1 licensee or place of business. The licensee shall notify the director of any changes relative to the status of a certified applicator named on the license application.
- (2) A license application shall be accompanied by a certificate from an insurance company or an approved surplus lines company authorized to do business in this state which sets forth the insurance limits prescribed in R 285.636.14. The certificate shall be in effect for the entire license period or for the generally recognized time period in which the pesticide applications may occur.
 - (3) When an assumed name is used on an application, then the application for a license shall be accompanied by a registered assumed name certificate.
 - (4) A foreign corporation shall attach to the license application a certificate of authority to transact business in the state of Michigan which is issued from the corporation and securities bureau of the department of consumer and industry services under 1972 PA 284, MCL 450.1101 et seq.
 - (5) A new licensee shall comply with the experience requirements set forth in section 8313 of the act. The director shall review and verify the contents of a notarized statement that documents that the applicator has

complied with the experience requirements as required by the act. Any false or misleading statements will be cause for license denial, suspension, or revocation.

R 285.636.15 Commercial applicator records.

Rule 15. (1) All commercial applicators shall maintain verifiable records of restricted-use pesticide applications for a period of not less than 3 years following the application. The records shall show all of the following information:

- (a) The name and EPA registration number of the pesticide applied.
- (b) Concentration of the pesticide applied.
- (c) The amount of pesticide end use dilution applied.
- (d) The target pest, purpose, or crop site.
- (e) The date the pesticide was applied.
- (f) The address or location of pesticide application.
- (g) The method and the rate of application.

(2) All commercial applicators shall maintain verifiable records of general-use pesticide applications for a period of not less than 1 year following the application. Such records shall show all of the following information:

- (a) The name and EPA registration number of the pesticide applied.
- (b) The concentration of the pesticide applied.
- (c) The amount of pesticide end use dilution applied.
- (d) The target pest, purpose, or crop site.
- (e) The date the pesticide was applied.
- (f) The address or location of pesticide application.
- (g) The method and the rate of application.

(3) It is the responsibility of the employer of the commercial applicator to maintain the verifiable record at the place of business. The application records shall be made available, upon request, to an authorized representative of the director during normal business hours.

ADMINISTRATIVE RULES

ORR # 2001-052

DEPARTMENT OF AGRICULTURE

FAIRS, EXHIBITIONS AND RACING DIVISION

REGULATION NO. 812. STATE PURSE SUPPLEMENTS FOR HARNESS HORSE RACING AT FAIRS AND PARI-MUTUEL TRACKS

Filed with the Secretary of State on June 26, 2002

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of agriculture by sections 17, 18, 19, and 20 of 1995 PA 279, MCL 431.317 TO 431.320)

R 285.812.1, R 285.812.3, R 285.812.4, R 285.812.6 and R 285.812.7a of the Michigan Administrative Code are amended and R 285.812.6a is rescinded as follows:

R 285.812.1 Definitions.

Rule 1. As used in these rules:

- (a) "Department" means the Michigan department of agriculture.
- (b) "Director" means the director of the department.
- (c) "Domicile" means the fixed, permanent, and principal home to which a person intends to return.
- (d) "Fair" means a county, district, community, or 4-H fair; and any other state fair that has been approved by the director to conduct harness horse races during the fair.
- (e) "Licensed pari-mutuel track" means a facility that is owned by a person who is licensed by the office of racing commissioner to conduct standardbred races in Michigan.
- (f) "Owner" means a person or persons who are domiciled in Michigan and who have been recorded with the United States trotting association register as being horse owners.
- (g) "Person" means an individual, partnership, association, or corporation.
- (h) "Purse offered" means the purse requested by the fair association or licensed pari-mutuel track at the time of application to the department for approval of purse funds.
- (i) "Race program" means a series of not less than eight standardbred horse races held at a county fair within a specified block of time.
- (j) "U.S.T.A." means the United States trotting association.

R 285.812.1a Determination of domicile.

Rule 1a. Factors to be considered in determining domicile are as follows:

- (a) Voting registration or alien registration showing a Michigan address.
- (b) Federal income tax return showing a Michigan address.
- (c) State income tax return showing a Michigan address.

R 285.812.2 Eligibility to receive state purse supplement.

Rule 2. To be eligible to receive state purse supplements for standardbred horse races that a fair or pari-mutuel track offers, the fair or pari-mutuel track shall conduct races that are designated by the director for state purse supplements under R 285.812.5. A fair shall also file its proposed annual harness horse racing program with the department by February 1 of each year. Director approval of the plan is required. A fair or pari-mutuel racetrack that receives state purse supplements under this rule shall file reports with the department as required by the director.

R 285.812.3 Presiding judges at fairs.

Rule 3. (1) The presiding judge and clerks shall be licensed by the USTA and approved by the office of the racing commissioner.

(2) The presiding judge shall enforce all department rules pertaining to harness horse racing at fairs and any penalties imposed by the department or by reciprocal agreement with the office of racing commissioner.

(3) The fair and the presiding judge shall approve all associate judges and timers at each fair race meet to which the presiding judge is assigned.

(4) The department shall allot a sum to each fair for payment of judges and clerks.

R 285.812.4 Track maintenance; track equipment; head and saddle pad numbers.

Rule 4. (1) A fair that may conduct harness horse races shall maintain its racetrack in a manner that makes harness horse racing safe. The track shall be adequately drained, shall be kept in a smooth condition during the races, and shall be sprinkled between races when necessary. If purses are paid in part by funds allocated under this rule, then the track condition shall be approved by a representative of the director before any races are conducted.

(2) An approved starting gate and starter shall be used in a harness horse race. A fair shall be reimbursed by the department a fee based on available funds and the going industry rate for approved mobile starting gates for each harness horse race program conducted at the fair. The fair shall submit, to the director, within 15 days after completion of the harness race program or September 30, whichever is sooner, receipted invoices for the starting gate operations.

(3) A fair shall use adequate photo finish equipment and an experienced photographer for all harness horse races. The fair shall be reimbursed by the department, subject to available funding, a fee for approved photo finishing equipment and the services of an experienced photographer for each harness horse race program conducted at the fair. The fair shall submit, to the director, within 15 days after completion of the harness race program or September 30, whichever is sooner, receipted invoices for the photo finish operations.

(4) A harness horse race entry shall be provided with a head number or a saddle pad, or both.

R 285.812.5 Race program development and allocation.

Rule 5. (1) The director shall designate annually which standardbred horse races conducted at fairs and licensed pari-mutuel racetracks shall be eligible for state purse supplements. To assist the director in designating the races and determining the number, location, time, conditions, and amount of the state purse supplements for each race, an advisory committee is established consisting of the following persons:

(a) The president or designee of the Michigan harness horsemen's association.

(b) The president or designee of the Michigan association of fairs and exhibitions.

(c) The president or designee of the Michigan standardbred breeders association.

(d) The president or designee of the northern Michigan fair and racing association.

- (e) The designated representative of the office of racing commissioner.
 - (f) A pari-mutuel racetrack representative designated by the racing commissioner.
 - (g) A representative of the department who shall chair the committee.
 - (h) Other if deemed appropriate by the director.
- (2) The advisory committee shall develop and recommend to the director an overall standardbred racing program each year. The overall program shall include the proposed number, location, time, conditions, and amount of state purse supplements to allocate for program races. The standardbred racing program shall be designed to promote positive growth and development of the state's standardbred horse racing and breeding industry.
- (3) The director shall make the allocation of funds based on his or her determination of what best promotes the positive growth and development of the horse racing and breeding industry in the state of Michigan.

R 285.812.6 Allocations for purse supplements.

Rule 6. (1) Before a designated race, the director shall make allocations to a fair or licensed pari-mutuel track for purses for harness horse races as follows:

- (a) The allocation shall be not more than 75% of the purse offered by a fair or licensed pari-mutuel track.
 - (b) The allocation for a purse on an overnight race shall not exceed the lowest purse offered for overnight races at any licensed race meeting in this state during the previous year or be more than \$1,000.00.
 - (c) The allocation for a purse on an early closing 2- and 3-year-old filly and colt race shall not be more than \$10,000.00.
 - (d) The allocation for futurities for 2- and 3-year-old horses shall be not more than 75% of the purse offered and shall not be more than \$18,750.00 for each race. The allocation for the Charles Coon memorial 4-year-old horse futurity shall not be more than \$37,500.00 for each race.
 - (e) All fair racing shall be conducted under the 2001 regulations of the United States trotting association, which are adopted by reference in these rules, if the regulations are not in conflict with department rules. Copies of the United States trotting association rules may be obtained from the United States Trotting Association, 750 Michigan Avenue, Columbus, OH 43215-1191, at no cost as of the time of adoption of these rules, or from the Michigan Department of Agriculture, P.O. Box 30017, Lansing, MI 48909, at no cost as of the time of adoption of these rules.
 - (f) All pari-mutuel racing conducted under these rules shall be conducted under the rules or orders of the office of the racing commissioner.
- (2) Any harness horse owned outside of Michigan that is not a Michigan-sired standardbred horse is ineligible to participate in the allocation of state funds paid at any harness horse race contest, unless the director gives written permission.
- (3) A Michigan-sired standardbred horse which is owned exclusively by a resident or residents of Michigan shall not be barred from a fair harness horse race if the Michigan-sired standbred horse conforms to the age, sex, and earnings stipulated in the conditions of the race.
- (4) If a purse for an early closing colt stake or futurity race is supplemented by state funds, then the race shall be restricted to horses sired by standardbred stallions registered with the state of Michigan.
- (5) A stallion shall be registered, on forms provided by the department, with the director by January 1 of each year that the stallion will be standing at service in Michigan. A newly acquired stallion that is purchased after January 1 of the breeding year shall be registered with the director before serving a mare.
- (6) A fair has the authority to race any of the races specified in this rule as 1 heat.
- (7) The Michigan harness horsemen's association is designated and shall serve as the department's agent for purposes of administering approved procedures governing nominations and sustaining functions for all colt

stakes and may be designated the collecting and holding agent for all fees by the sponsors of the colt stakes. While acting as the department's agent under this rule, the Michigan harness horsemen's association shall not require that persons be members of the Michigan harness horsemen's association as a condition of nominating and participating in colt stake races designated by the director to be eligible to receive state purse supplements. The Michigan harness horsemen's association may charge a reasonable service fee to nonmembers to perform this function. If the Michigan harness horsemen's association is unable or unwilling to serve as the department's agent under this rule, then the director may designate and appoint another agent of his or her choice. Final decisions on application of procedures will be made by the director.

R 285.812.6a Rescinded.

R 285.812.7 Split races.

Rule 7. A fair that conducts a split race required under United States trotting association rules shall not receive an allocation in addition to the amounts described in R 285.812.6. Editor's note: Pursuant to section 56 of Act No. 306 of the Public Acts of 1969, as amended, being S24.256 of the Michigan Compiled Laws, the reference to "R 285.812.5" was changed to R 285.812.6" to correct an obvious error.

R 285.812.7a Driving in race under influence of alcohol prohibited; breath analyzer test.

Rule 7a. (1) If a purse is paid in part or in full by state funds, then a driver shall not drive in a fair harness race while under the influence of alcohol. A driver shall submit to a breath analyzer test when directed by a representative of the director. A driver is in violation of these rules if test results show a reading of 0.05% or more of alcohol in the blood and shall not be permitted to drive for at least 12 hours.

(2) If a purse is to be paid in part or full by state funds, then the horse shall be free of any substances, as determined by the office of racing commissioner, that could enhance the performance of the horse during the race. The owner or driver shall submit the horse for urine, blood, saliva, or other tests when directed by a representative of the director.

(3) If a horse dies while on grounds for a fair horseracing program, then the horse may not be removed until a blood sample is drawn. If an authorized department representative is not present, then the judge shall authorize the veterinarian services for draw on behalf of the department.

(4) The judge and fair management shall acknowledge and enforce any sanctions made by the department or the office of racing commissioner against a driver, owner, or trainer. Any individual sanctioned from racing in Michigan shall not be allowed in the paddock area, racetrack, or any other area on the fair grounds deemed to be part of the racing program.

R 285.812.8 Hearings.

Rule 8. If a provision of these rules or any other rules or state law related to a harness race program is violated, then the director shall notify the horse's owner of the violation and shall hold a hearing within 14 days from the date that the violation is reported to the director. The owner or his or her representative may appear and be heard. From testimony taken, the director shall render a decision on the eligibility of the owner, his or her representative, and the horse, or any of them, to participate in state-funded races or in any future state, county, district, or community fair harness horse race.

R 285.812.9 Final reports; preservation of records.

Rule 9. (1) Within 15 days after completion of the harness race program or September 30, whichever is sooner, an association shall submit to the director originals of the judges' sheets signed by the presiding judge, a sworn

statement on forms provided by the director, and a copy of the printed race program indicating the order of finish of the horses.

(2) The association shall supply the director with any additional information required in the auditing of the report.

(3) Association records pertaining to the payment of purses shall be kept for the state auditors for not less than 4 years.

R 285.812.10 Rescission.

Rule 10. Regulation No. 801, as amended, and Regulation No. 806 of the department of agriculture, being R 285.801, R 285.806.1, and R 285.806.2 of the Michigan Administrative Code, and appearing on pages 3141 to 3143 of the 1964-65 Annual Supplements to the Code, are rescinded.

ADMINISTRATIVE RULES

ORR # 2002-006

DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES

MACKINAC ISLAND STATE PARK COMMISSION

GENERAL RULES

Filed with the Secretary of State on July 11, 2002.

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the Mackinac Island state park commission by sections 76504 and 76901 of 1994 PA 451, MCL 324.76504 and 324.76901)

R 318.111, R 318.121 to R 318.124, R 318.127, R 318.129, R 318.133, R 318.134, R 318.136, R 318.141, R 318.142, R 318.143, R 318.144, R 318.145, R 318.145b, and R 318.146 of the Michigan Administrative Code are amended and R 318.112 to R 318.119a, R 318.119c to R 318.120, R 318.126, R 318.135, and R 318.147 of the Code are rescinded as follows:

PART 1. DEFINITIONS

R 318.111 Definitions.

Rule 1. As used in these rules:

"Carrying passengers for hire" means the acts of any person transporting passengers to any point or points on the road or roads for a specified monetary consideration or acts of accepting gratuities for transporting passengers to any point or points on the road or roads.

"Commercial operations" means any activity that involves, directly or indirectly, the buying or selling of goods or services, or the exchange or attempt or offer to exchange goods or services for money, barter, by accepting gratuities, or for anything of value.

"Commission" means the Mackinac Island state park commission.

"Director" means the director of the Mackinac Island state park commission.

"Drays" means any horse-drawn vehicle used for the transportation of property, goods, or merchandise, either belonging to the owner of the dray or to others, with or without charge, whether the charge is a single fee or is established by contract.

"Drive yourself carriage" means any horse-drawn vehicle for hire that is rented to another person or persons without the services of a driver being employed, engaged, provided, or suggested by the owner or operator of the carriage.

"Fort Mackinac bus" means any horse-drawn vehicle used for the transportation of passengers only from the downtown area directly to Fort Mackinac and return.

"Hotel bus" means a horse-drawn vehicle which is licensed to a specific hotel, which operates over the roads of the Mackinac Island state park, and which does all of the following:

Carries hotel passengers or their guests for a charge as approved by the Mackinac Island state park commission.

Operates on a fixed route or routes as designated by the Mackinac Island state park commission.

Makes infrequent deviations from the designated route or routes for the convenience of hotel guests or their party.

(i) "Livery carriage" means any horse-drawn vehicle for hire transporting passengers for scenic drives charging on a time basis; that is, by the hour or fractions or multiples thereof, and not at a fixed price per passenger.

(j) "Motor vehicle" means any device that is self-propelled, or partially self-propelled, by which a person or property may be transported or drawn.

"Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

"Road" means any thoroughfare, roadway, riding trail, or driving trail that is situated on lands that are under the jurisdiction of the commission.

"Saddle horse" means a riding horse furnished to a visitor or resident, for a period of time less than 1 week, for use in Mackinac Island State Park at a rental fee, whether that fee is separately identified or included in other charges, such as room rentals, either explicitly or implicitly.

"Sight-seeing carriage" means any horse-drawn vehicle that carries passengers for hire over prescribed routes established by the commission.

"Snowmobile" means a motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, or an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated. it is not a vehicle that must be registered under 1949 PA 300, MCL 257.1 to 257.923.

"State license identification plate" means a metallic plate issued by the commission that bears the license type, the year for which the plate is valid, a unique number, and any other information as determined by the commission.

"Taxicab" means any horse-drawn vehicle carrying passengers for hire from one point on the island to another.

R 318.112 Rescinded.

R 318.113 Rescinded.

R 318.114 Rescinded.

R 318.115 Rescinded.

R 318.116 Rescinded.

R 318.117 Rescinded.

R 318.118 Rescinded.

R 318.119 Rescinded.

R 318.119a Rescinded.

R 318.119c Rescinded.

R 318.119d Rescinded.

R 318.120 Rescinded.

PART 2. REGULATIONS

R 318.121 License fee required.

Rule 21. A person shall not operate any horse-drawn vehicle carrying passengers for hire over any roads until the person has been granted a license by the commission or its agent in writing and has paid the annual fee as determined by the commission.

R 318.122 Temporary permits.

Rule 22. (1) A person shall not operate a motor vehicle within the Mackinac Island state park without a temporary permit. The commission, or its duly authorized agent, shall issue a temporary permit for the operation of motor vehicles for such emergency or public and private work as the commission shall prescribe and approve. An application for a temporary permit shall be submitted in writing to the commission or its duly authorized agent and shall set forth fully the reasons for the request and the period of the permit. The commission has authority to require property damage and public liability insurance of any applicant in an amount sufficient, in its judgment, for adequate protection of persons and property. The director shall keep a written record of all permits issued, and the commission reserves the right to revoke any permit so issued at any time, giving notice in writing to the permit holder and setting forth the reasons for the revocation.

(2) The state of Michigan or any political subdivision thereof may be permitted to operate its emergency and utility vehicles over the Mackinac Island state park roads in the normal performance of its governmental functions.

R 318.122a Hotel bus license.

Rule 22a. Any hotel operating on Mackinac Island may apply for and be granted a license to operate a hotel bus after the payment of a fee if the commission determines both of the following:

- (a) That the application is made by the hotel owner and the bus is to be operated for the convenience of hotel guests and those accompanying them.
- (b) That the location of the hotel is such that it is necessary to provide transportation for guests to and from the docks.

R 318.122b Dray license.

Rule 22b. Any person operating a dray within the Mackinac Island state park shall have a license issued by the commission. The commission may establish the rate for dray services.

R 318.123 Applications for licenses.

Rule 23. An application for a license to operate a horse-drawn vehicle for hire or saddle horse for hire shall be made to the commission in writing.

R 318.124 Identification plates.

Rule 24. A person shall not operate a horse-drawn vehicle for hire unless the person's carriage or carriages are equipped with a "state license identification plate" which shall be furnished by the commission and which shall continue to be the property of the state of Michigan.

R 318.126 Rescinded.

R 318.127 Violation of rules.

Rule 27. Any person violating any of these rules or other conditions of a license may have his or her license revoked or suspended.

R 318.129 Nontransferability of state license.

Rule 29. The "state license identification plate" issued by the commission shall be securely and conspicuously attached to each vehicle without visible obstruction and shall not be transferred to any other vehicle, except with consent of the commission or its authorized agent.

R 318.133 Conduct of licensee's employees.

Rule 33. Any person licensed to operate vehicles under these rules is responsible for the conduct of the person's employees.

R 318.134 Agreements with licensees.

Rule 34. The commission shall annually enter into agreements with licensees for the purpose of prescribing conditions of operation.

R 318.135 Rescinded.

R 318.136 Number of carriage licenses.

Rule 36. On or before June 1 of each year, the commission shall issue the number of licenses for horse-drawn vehicles carrying passengers for hire that in its judgment will adequately serve the public, but not more than the following maximum numbers:

- (a) Sight-seeing carriages..... 55 licenses.
- (b) Taxicabs..... 17 licenses.
- (c) Drive-yourself carriages..... 18 licenses.
- (d) Livery carriages..... 21 licenses.

R 318.141 Scope ; "proper permission" defined.

Rule 41. (1) These rules govern the use of and occupancy of the Mackinac Island state park, the Historic Mill Creek state park, and the Michilimackinac state park.

(2) "Proper permission," as used in R 318.142 to R 318.145, means a written permit or license authorized by the commission and issued by its director or authorized representative.

R 318.142 Signs, fences, improvements, and posted lands.

Rule 42. (1) It is unlawful to do any of the following on state-owned lands without proper permission:

Post, place, or erect signs.

Place or distribute advertising material.

Erect a fence or barrier.

Construct or occupy improvements.

Enclosed state-owned lands.

(2) It is unlawful to move, remove, destroy, mutilate, or deface posters, notices, signs, or markers of the commission or of any other agency of government.

(3) It is unlawful to enter, use, or occupy park lands for any purpose when they are posted against such entry, use, or occupancy, as ordered by the commission.

R 318.143 Camping and hunting.

Rule 43. (1) A person shall not camp within the Mackinac Island state park, Historic Mill Creek state park, or Michilimackinac state park.

(2) A person shall not hunt in Mackinac Island state park or Michilimackinac state park.

(3) A person shall not do any of the following without proper permission:

Carry or possess a firearm unless unloaded in both barrel and magazine.

Shoot an air rifle, air pistol, paintball-emitting device of any kind, or slingshot.

Shoot a bow and arrow or crossbow.

R 318.144 Refuse and fires.

Rule 44. (1) A person shall not use park lands or facilities as a place to keep or dispose of refuse, rubbish, trash, garbage, or other litter. This does not apply to refuse or garbage resulting from legal uses of park lands, which shall be placed in proper receptacles.

(2) A person shall not build fires except in designated places or in stoves or grills as approved by an authorized representative of the commission.

R 318.145 Vehicles and animals.

Rule 45. (1) A person shall not operate a motor vehicle in other than an area or road clearly designated for the parking or operation of motor vehicles without proper permission.

(2) A person shall not ride or lead a horse, other riding animal, or pack animal on, or to allow such animal or any animal-drawn vehicle to use or travel on, any areas deemed unsafe for such use by order of the commission and posted against such use.

(3) A person shall not possess a dog unless it is under immediate control, or have a dog within any area used as a bathing beach. Any dog found not in the possession or under the immediate control of its owner or the owner's agent, or any dog found creating a nuisance or disturbance, may be removed from the park or placed under restraint.

R 318.145b Saddle horse licenses.

Rule 45b. (1) The commission, upon receipt of proper application, may issue annual licenses for a number of saddle horses for use in Mackinac Island state park as the commission determines are needed in the interest of public safety and proper service to the public.

(2) Licenses are nontransferable and shall be surrendered to the issuing authority upon demand if any transfer is attempted or if ownership of the licensed business or its location is changed or altered in any way.

(3) The commission shall establish the license fees, terms, and conditions, including the maximum rates per hour charged, under which saddle horses may be supplied for use in the state park.

R 318.146 Miscellaneous unlawful acts.

Rule 46. On lands under the jurisdiction of the commission, it is unlawful for a person or persons to do any of the following:

(a) Use the lands for commercial operations without proper permission. In considering whether or not permission shall be granted, all of the following factors shall be considered:

(i) Interference with the safety, health, and welfare of the public.

(ii) Need for the service.

(iii) Whether the service is a duplication of available services.

(b) Use a loudspeaker or public address system without proper permission. Permission shall not be granted if the system is capable of interfering with horse-drawn traffic by having the effect of frightening horses, thereby endangering the safety of passengers in the vehicles, pedestrians, bicycle riders, and others.

(c) Change clothing in a toilet buildings or motor vehicles.

(d) Store or leave a boat, fish shanty, camping equipment, or other property without proper permission.

(e) Enter those buildings or areas to which an admission fee is established without payment of the fee, or without permission given by the commission, a commissioner, the director, or deputy director under order of the commission. Permission normally is to be given only to persons on business with the commission, any member of the commission, or any duly authorized staff member.

(f) For any lessee, licensee, or concessionaire to use, construct, or occupy any building within the park which is not furnished with an approved dry chemical fire extinguisher.

(g) For any lessee, licensee, or concessionaire to exercise his or her privileges within the park without procuring and keeping in effect such public liability and property damage insurance as the commission may deem adequate.

(h) For any person to furnish a saddle horse to another person for use in the Mackinac Island state park, unless a current license has been issued by the commission for the use of the saddle horse in the Mackinac Island state park.

(i) Engage in any violent, abusive, loud, boisterous, wanton, obscene, or otherwise disorderly conduct creating a breach of the peace; loiter, sit, or lie upon walks, passages, steps, or porches thereby obstructing the free passage of others; or remove, damage, or steal the property of another.

(j) Hold or participate in any type of road race or speed contest without proper permission.

(k) Conduct excavations, diggings, or surveys without proper permission.

(l) Carry or possess a metal detector without proper permission.

(m) Remove any archeological materials or artifacts without proper permission.

R 318.147 Rescinded.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the office of regulatory reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the office of regulatory reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

ORR # 2001-073

DEPARTMENT OF STATE

OFFICE OF CUSTOMER SERVICES

UNIFORM COMMERCIAL CODE FILING OFFICE

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the department of state by section 9526 of 2000 PA 348, MCL 440.9526)

PART 1. GENERAL PROVISIONS

R 440.101 Duties and responsibilities of filing officer.

Rule 101. The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a financing statement pursuant to these rules, the filing officer does none of the following:

- (a) Determine the legal sufficiency or insufficiency of a record.
- (b) Determine that a security interest in collateral exists or does not exist.
- (c) Determine that information in the record is correct or incorrect, in whole or in part.
- (d) Create a presumption that information in the record is correct or incorrect, in whole or in part.

R 440.102 Definitions.

Rule 102. (1) As used in these rules:

- (a) "Amendment" has the meaning given it in UCC section 9512. Amendments include assignments, continuations, and terminations.
- (b) "Assignment" is an amendment that purports to reflect an assignment of all or a part of a secured party's power to authorize an amendment to a financing statement.
- (c) "Correction statement" means a record that indicates, under UCC section 9518, that a financing statement is inaccurate or wrongfully filed.
- (d) "File number" means the unique identification number assigned to an initial financing statement by the filing officer for the purpose of identifying the initial financing statement and permanently associating the initial financing statement with all financing statements related to it in the UCC information management system. The filing number bears no relation to the time of filing and is not an indicator of priority.
- (e) "Filing office" and "filing officer" mean the UCC section of the office of secretary of state or its successor.
- (f) "Individual" means a human being, or a decedent in the case of a debtor that is the decedent's estate.
- (g) "Initial financing statement" means a financing statement containing the information required by UCC section 9502, which, when filed, creates the initial record in the UCC information management system.
- (h) "Remitter" means a person who tenders a financing statement to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include a

person responsible merely for the delivery of the financing statement to the filing office, such as the postal service or a courier service, but does include a service provider who acts as a filer's representative in the filing process.

(i) "Request for expediting" means a search request to provide a search report on the day of the inquiry.

(j) "UCC" means the uniform commercial code as adopted in this state and in effect from time to time.

(k) "UCC information management system" means the information management system used by the filing officer to store, index, and retrieve information relating to financing statements.

(l) "Unique identification number" or "identification number" means a number that includes the year of filing expressed as the first 4 digits of a unique number assigned to the financing statement by the filing office and a 1-digit verification number, to be referred to as a check digit, assigned by the filing office, but mathematically derived from other numbers in the unique number.

(2) A word or term defined in the UCC has the same meaning when used in these rules.

R 440.103 Financing statement delivery.

Rule 103. Financing statements may be tendered for filing at the filing office as follows:

(a) By personal delivery at the filing office's street address.

(b) By courier delivery at the filing office's street address.

(c) By postal service delivery to the filing office's mailing address.

(d) When made available by the filing office, by electronic transmission to the filing office in a manner prescribed by the filing officer using a standard approved by the international association of corporation administrators and adopted by the filing officer.

(e) By telefacsimile delivery to the filing office's fax filing telephone number.

(f) When made available by the filing office, by direct on-line or web page data entry transmission to the filing office in a manner prescribed by the filing officer.

(g) By e-mail delivery to the filing office's e-mail address.

R 440.104 Search request delivery.

Rule 104. (1) UCC search requests may be delivered to the filing office by any of the means by which financing statements may be delivered to the filing office. A request for expediting may also be delivered by telephone.

(2) UCC search requests upon a debtor named on an initial financing statement may be made by an appropriate indication on the face of the initial financing statement form if the form is entitled to be filed. The filing office may require that the relevant search fee be tendered with the initial financing statement.

R 440.105 Approved forms.

Rule 105. (1) The following forms are approved for filing a written initial financing statement or a written financing statement amendment:

(a) An initial financing statement form as prescribed in UCC section 9521(1).

(b) A financing statement amendment form as prescribed in UCC section 9521(2).

(c) An initial financing statement form or financing statement amendment form approved by the international association of corporate administrators after July 1, 2001.

(d) An initial financing statement form or financing statement amendment form approved by the national conference of commissioners on uniform state laws after July 1, 2001.

(e) An initial financing statement form or financing statement amendment form approved by the filing officer after July 1, 2001.

(f) If and when operational as determined by the filing officer, an initial financing statement or financing statement amendment transmitted electronically as prescribed by the filing officer.

(2) The additional filing fee provided in UCC section 9525(1)(a) shall not apply to a written initial financing statement or a written financing statement amendment specified in subrule (1)(a) or (b) of this rule.

(3) The additional filing fee provided in UCC section 9525(1)(a) shall apply to an initial financing statement or a financing statement amendment not specified in subrule (1)(a) or (b) of this rule.

R 440.106 Methods of payment.

Rule 106. Filing fees and fees for public records services may be paid by the following methods:

(a) Cash.

(b) A check made payable to "State of Michigan," including checks in an amount to be filled in by a filing officer, but not to exceed a particular amount, will be accepted for payment if it is a cashier's check or certified check drawn on a bank acceptable to the filing office or if the drawer is acceptable to the filing office.

(c) Billing account.

(d) The filing office will accept payment via electronic funds transfer under national automated clearing house association ("NACHA") rules from remitters who have entered into appropriate NACHA-approved arrangements for such transfers and who authorize the relevant transfer pursuant to such arrangements and rules.

(e) If and when operational as determined by the filing officer, the filing office may accept a credit card issued by approved credit card issuers, in place of cash or a check, as payment for filing fees and fees for public records services. Remitters shall provide the filing officer with the card number, the expiration date of the card, the name of the approved card issuer, the name of the person or entity to whom the card was issued and the billing address for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed to the filing office that payment will be forthcoming.

R 440.107 New practices and technologies.

Rule 107. The filing officer is authorized to adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval, and transmission of, and remote access to, article 9 filing data by means of electronic, voice, optical, and other technologies, and, without limiting the foregoing, to maintain and operate, in addition to or in place of a paper-based system, a non-paper-based article 9 filing system utilizing any available technology. In developing and utilizing technologies and practices, the filing officer shall, to the greatest extent feasible, take into account compatibility and consistency with, and whenever possible uniformity with, technologies, practices, policies, and rules adopted in connection with article 9 filing systems in other states.

PART 2. ACCEPTANCE AND REFUSAL OF DOCUMENTS

R 440.201 Duty to file.

Rule 201. If there is no ground to refuse acceptance of the document under R 440.202, then a financing statement is filed upon its receipt by the filing officer with the filing fee and the filing officer shall promptly assign a file number to the financing statement and index it in the information management system.

R 440.202 Grounds for refusal.

Rule 202. (1) The following grounds are the sole grounds for the filing officer's refusal to accept a financing statement for filing:

(a) Except as provided in paragraph (v) of this subdivision, a financing statement that adds 1 or more debtors shall be refused if any of the following circumstances exist:

(i) The document is an initial financing statement and fails to include any of the following information:

(A) A legible debtor name.

- (B) A legible debtor address.
- (C) The identification of each named debtor as an individual or an organization.
- (ii) The document is an amendment and fails to include any of the following information:
 - (A) A legible debtor name for the debtor being added.
 - (B) A legible address for the debtor being added.
 - (C) The identification of each named debtor as an individual or an organization.
- (iii) The last name of each individual debtor is not identified.
- (iv) For each debtor identified as an organization, the document fails to include any of the following in legible form:
 - (A) The organization type.
 - (B) The state of organization.
 - (C) The organization number, or a statement that the debtor does not have an organization number.
- (v) If the document contains more than 1 debtor name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a notice to the remitter containing the file number of the document, identification of the debtor names that were indexed, and a statement that debtors with illegible or missing names or addresses were not indexed.
- (b) Except as provided in paragraph (iv) of this subdivision, a financing statement adding 1 or more secured parties of record or assignees shall be refused if any of the following exist:
 - (i) The document is an initial financing statement and fails to include either of the following in legible form:
 - (A) Secured party name.
 - (B) Secured party address.
 - (ii) The document is an amendment and fails to include either of the following in legible form:
 - (A) A name for the secured party being added.
 - (B) An address for the secured party being added.
 - (iii) The document is an assignment and fails to include either of the following in legible form:
 - (A) A name for the assignee.
 - (B) An address for the assignee.
 - (iv) If the document contains more than 1 secured party, or assignee, name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a notice to the remitter containing the file number of the document, identification of the secured party, or assignee names that were indexed, and a statement that secured parties and assignees with illegible or missing names or addresses were not indexed.
- (c) A financing statement other than an initial financing statement shall be refused if the document does not provide a file number of a financing statement in the UCC information management system that has not lapsed, or, until June 30, 2006, a number associated with a UCC financing statement filed in this state before June 30, 2001, that has not lapsed.
- (d) A continuation shall be refused if it is not received during the 6-month period concluding on the day upon which the related financing statement would lapse. Both of the following apply to filing a continuation:
 - (i) The first day on which a continuation may be filed is the date of the month corresponding to the date upon which the financing statement would lapse, 6 months preceding the month in which the financing statement would lapse. If there is no such corresponding date during the sixth month preceding the month in which the financing statement would lapse, then the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse, although filing by certain means may not be possible on such date if the filing office is not open on such date.
 - (ii) The last day on which a continuation may be filed is the date upon which the financing statement lapses.

- (e) A financing statement shall be refused if the document is accompanied by less than the full filing fee tendered by a method described in R 440.106.
- (f) Financing statements communicated to the filing office by a means of communication not authorized by the filing officer for the communication of financing statements shall be refused.
- (2) As used in this rule, the term "legible" is not limited to refer only to written expressions on paper. It requires a machine-readable transmission for electronic transmissions and an otherwise readily decipherable transmission in other cases.
- (3) A financing statement that does not identify itself as an amendment or identify an initial financing statement to which it relates, as required by MCL 440.9512, 440.9514, or 440.9518, is an initial financing statement.

R 440.203 Grounds not warranting refusal.

Rule 203. (1) The sole grounds for the filing officer's refusal to accept a financing statement for filing are enumerated in R 440.202.

(2) The following are examples of defects that do not constitute grounds for refusal to accept a document:

- (a) The financing statement contains or appears to contain a misspelling or other apparently erroneous information.
 - (b) The financing statement appears to identify a debtor incorrectly.
 - (c) The financing statement appears to identify a secured party or a secured party of record incorrectly.
 - (d) The financing statement contains additional or extraneous information of any kind.
 - (e) The financing statement contains less than the information required by article 9 of the UCC, provided that the document contains the information required in R 440.202.
 - (f) The financing statement incorrectly identifies collateral, or contains an illegible or unintelligible description of collateral, or does not appear to contain a description of collateral.
 - (g) The document is accompanied by funds in excess of the full filing fee.
- (3) The examples enumerated in subrule (2) of this rule are not a comprehensive enumeration of defects outside the scope of permitted grounds for refusal to accept a financing statement for filing.

R 440.204 Procedure upon refusal.

Rule 204. If the filing officer finds grounds under R 440.202 to refuse acceptance of a financing statement, then the filing officer shall return the document, if written, to the remitter and shall refund the filing fee upon request. The filing officer shall send a notice that contains the date and time the document would have been filed had it been accepted for filing, unless the date and time are stamped on the document, and a brief description of the reason for refusal to accept the document under R 440.202. The notice shall be sent to a secured party or the remitter, as provided in R 440.402(2)(b), not later than the second business day after the filing office receives the document. The refund may be delivered with the notice or under separate cover.

R 440.205 Acknowledgment.

Rule 205. Upon the request of a filer or remitter who files a written financing statement, the filing officer shall send to the filer or remitter an image of the record of the financing statement showing the file number assigned to it and the date and time of filing. For a financing statement not filed in written form, the filing officer shall communicate to the filer or remitter the information in the filed document, the file number, and the date and time of filing.

R 440.206 Responsibility for legal effectiveness.

Rule 206. The responsibility for the legal effectiveness of filing rests with filers and remitters and the filing office bears no responsibility for legal effectiveness.

R 440.207 Refusal errors.

Rule 207. If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a financing statement that was refused for filing should not have been refused under R 440.202, then the filing officer shall file the financing statement as provided in these rules, reflecting a filing date and time when filing should have occurred. The filing officer shall also file a filing officer statement that states that the effective date and time of filing is the date and time the financing statement was originally tendered for filing, and sets forth the date and time. The demonstration of error shall constitute the secured party's or remitter's authorization to file the filing officer's correction statement.

PART 3. UCC INFORMATION MANAGEMENT SYSTEM

R 440.301 Primary data elements.

Rule 301. (1) The primary data elements used in the UCC information management system are the following:

- (a) Identification number, as follows:
 - (i) Each initial financing statement is identified by its file number as described in R 440.102(1)(d).
 - (ii) A financing statement other than an initial financing statement is identified by a unique identification number assigned by the filing officer.
 - (b) Type of financing statement.
 - (c) Filing date and time of financing statements.
 - (d) The names and addresses of debtors and secured parties.
 - (e) Status of each financing statement as active or inactive.
 - (f) The total number of pages in a financing statement.
 - (g) A lapse indicator that identifies when a financing statement will lapse. The lapse date of an initial financing statement is determined as provided in R 440.404 based upon its filing date.
- (2) A record is created and maintained in the UCC information management system for each initial financing statement.
- (3) A record is created and maintained in the UCC information management system for each financing statement other than an initial financing statement and is linked to the record of its related initial financing statement.
- (4) The records created and maintained in the UCC information management system for each initial financing statement and all financing statements relating to it are permanently associated with one another.

R 440.302 Names of individuals.

Rule 302. The following provisions apply to the name of an individual who, or whose estate, is a debtor or a secured party on a financing statement:

- (a) Separate data entry fields are established for first, middle, and last names of individuals. The filing officer assumes no responsibility for the accurate designation of the components of a name, but will accurately enter the data in accordance with the filer's designations, as required by R 440.407(2)(b).
- (b) Titles and prefixes, such as "doctor," "reverend," "Mr.," and "Ms.," should not be provided by filers in financing statements. However, as provided in R 440.407, when a financing statement is submitted with designated name fields, the data shall be entered in the UCC information management system exactly as it appears.

(c) Titles and suffixes, or indications of status such as "M.D." and "esquire" are not part of an individual's name and should not be provided by filers in financing statements. However, as provided in R 440.407, when a financing statement is submitted with designated name fields, the data shall be entered in the UCC information management system exactly as it appears.

(d) Suffixes that indicate which individual is being named, such as "senior," "junior," "I," "II," and "III," are appropriate and shall be entered exactly as it appears into the UCC information management system in a field designated for name suffixes.

(e) Name fields for individuals in the UCC information management system are fixed in length. Although filers shall continue to provide full names of individuals on their financing statements, a name that exceeds the fixed length of a name field is entered as presented to the filing officer, up to the maximum length of the field. The maximum lengths of name fields are as follows:

(i) First name, 40 characters.

(ii) Middle name, 20 characters.

(iii) Last name, 70 characters.

(iv) Suffix, 20 characters.

R 440.303 Names of organizations.

Rule 303. Both of the following provisions apply to the name of an organization that is a debtor or a secured party on a financing statement:

(a) A single field is used to store an organization name.

(b) The organization name field in the UCC information management system is fixed in length. The maximum length is 250 characters. Although filers shall continue to provide full names of organizations on their financing statements, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the field.

R 440. 304 Estates.

Rule 304. Although estates are not human beings, the names of estates are entered into the UCC information management system, as specified in R 440.302, as if the decedents were the debtors.

R 440. 305 Trusts.

Rule 305. (1) If the trust is named in its organic documents, its full legal name, as set forth in the documents, is entered in the UCC information management system as an organization under R 440.303.

(2) If the trust is not named in its organic documents, then the name of the settlor is used as the trust name and entered into the UCC information management system in the following manner:

(a) If the settlor is indicated to be an organization, then the name is entered as an organization name under R 440.303.

(b) If the settlor is indicated to be an individual, then the name is entered as an individual name under R 440.302.

R 440. 306 Initial financing statement.

Rule 306. Upon the filing of an initial financing statement, the status of the parties and the status of the financing statement shall be as follows:

(a) Each secured party named on an initial financing statement shall be a secured party of record, except that if the initial financing statement names an assignee, then the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record.

(b) The status of a debtor named on the initial financing statement shall be active and shall continue as active until 1 year after the financing statement lapses.

(c) The status of the financing statement shall be active. A lapse date shall be calculated, 5 years from the filing date, unless the initial financing statement indicates that it is filed with respect to a manufactured home transaction, in which case the lapse date shall be 30 years from the filing date, or if the initial financing statement indicates that it is filed against a transmitting utility, then there shall be no lapse date.

A financing statement remains active until 1 year after it lapses, or, if it is indicated to be filed against a transmitting utility, until 1 year after it is terminated with respect to all secured parties of record.

R 440. 307 Amendment.

Rule 307. Upon the filing of an amendment, the status of the parties and the status of the financing statement shall be as follows:

(a) An amendment that amends only the collateral description or 1 or more addresses has no effect upon the status of any debtor or secured party. If an amendment is authorized by less than all of the secured parties or, in the case of an amendment that adds collateral, less than all of the debtors, then the amendment affects only the interests of each authorizing secured party or debtor.

(b) An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that the related initial financing statement and all related financing statements permanently associated with one another shall be cross-indexed in the UCC information management system so that a search under either the debtor's old name or the debtor's new name will reveal all related financing statements. An amendment that changes a debtor's name affects only the rights of its authorizing secured party or parties.

(c) An amendment that changes the name of a secured party has no effect on the status of any debtor or any secured party, but the new name is added to the UCC information management system as if it were the name of a new secured party of record.

(d) An amendment that adds a new debtor name has no effect upon the status of any party to the financing statement, except the new debtor name shall be added to the UCC information management system as a new debtor. The addition of a new debtor name shall affect only the rights of the secured party or parties authorizing the amendment.

(e) An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added to the UCC information management system as a new secured party.

(f) An amendment that deletes a debtor has no effect on the status of any party to the financing statement, even if the amendment purports to delete all debtors.

(g) An amendment that deletes a secured party of record has no effect on the status of any party to the financing statement, even if the amendment purports to delete all secured parties of record.

(h) An amendment shall have no effect upon the status of the financing statement, except that a continuation may extend the period of effectiveness of a financing statement.

R 440. 308 Assignment of powers of secured party of record.

Rule 308. Upon the filing of an assignment, the status of the parties and the status of the financing statement shall be as follows:

(a) An assignment shall have no effect on the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.

(b) An assignment shall have no effect upon the status of the financing statement.

R 440. 309 Continuation statement.

Rule 309. (1) Upon the timely filing of a continuation statement by any secured party of record, the lapse date of the financing statement shall be extended by 5 years.

(2) The filing of a continuation statement shall have no effect upon the status of any party to the financing statement.

(3) Upon the filing of a continuation statement, the status of the financing statement remains active in the UCC information management system until 1 year after it lapses, as prescribed in subrule (1) of this rule.

R 440. 310 Termination statement.

Rule 310. (1) The filing of a termination shall have no effect upon the status of any party to the financing statement.

(2) The filing of a termination shall have no effect upon the status of the financing statement and, except as provided in subrule (3) of this rule, the financing statement shall remain active in the UCC information management system until 1 year after it lapses.

(3) If the termination relates to a financing statement that indicates it is filed against a transmitting utility, then the financing statement shall become inactive 1 year after it is terminated with respect to all secured parties of record.

R 440. 311 Correction statement.

Rule 311. Upon the filing of a correction statement, the status of the parties and the status of the financing statement shall be as follows:

(a) The filing of a correction statement shall have no effect upon the status of any party to the financing statement.

(b) The filing of a correction statement shall have no effect upon the status of the financing statement.

R 440. 312 Procedure upon lapse.

Rule 312. (1) If there is no timely filing of a continuation with respect to a financing statement, then the financing statement lapses on its lapse date, but shall remain active in the UCC information management system until the first anniversary of its lapse date.

(2) On the first anniversary of the lapse date of a financing statement, the financing statement shall be deemed inactive in the UCC information management system and the financing statement shall no longer be made available to a searcher, unless inactive financing statements are requested by the searcher and the financing statement is still retrievable by the UCC information management system.

PART 4. FILING AND DATA ENTRY PROCEDURES

R 440.401 Data entry.

Rule 401. Except as provided in these rules, data is transferred from a financing statement to the UCC information management system exactly as set forth in the document. Personnel creating reports in response to search requests type search criteria exactly as set forth on the search request. No effort is made by the filing office to detect or correct errors of any kind.

R 440.402 Document indexing.

Rule 402. (1) The date and time of receipt are noted on the document or otherwise permanently associated with the record maintained for a financing statement in the UCC information management system at the earliest possible time.

(2) The filing office determines whether a ground exists to refuse the document under R 440.202. If there is no ground for refusal of the document, then all of the following provisions apply:

(i) The document is stamped or deemed filed and a unique identification number and the filing date is stamped on the document or otherwise permanently associated with the record maintained for a financing statement in the UCC information management system.

(ii) An acknowledgment of filing is prepared as provided in R 440.206 and delivered as provided in subrule (3) of this rule.

(iii) The sequence of the identification number is not an indication of the order in which the document was received.

If there is a ground for refusal of the document, then notification of refusal to accept the document is prepared as provided in R 440.205 and delivered as provided in subrule (3) of this rule.

(3) If the financing statement was tendered in person, then notice of refusal or acknowledgment of the filing may be given by delivering the notice or acknowledgment to the person tendering the filing by personal delivery, or by first class mail or overnight courier as provided in this subrule. If the financing statement was tendered by on-line access, then notice of refusal or acknowledgment of filing is given by delivering the notice or acknowledgment to the remitter by on-line response that includes the information required by R 440.205 or R 440.206. Acknowledgment of filing or notice of refusal of a financing statement tendered by other means is given by delivering the notice or acknowledgment to the secured party, or the first secured party if there are more than 1 named on the financing statement by first class mail, or, if the remitter so requests, by first class mail to the remitter, or by overnight courier to the remitter if the remitter provides a prepaid waybill or access to the remitter's account with the courier.

R 440.403 Filing date and time.

Rule 403. (1) Except as provided in subrule (2) of this rule, the filing date and time of a financing statement received with the proper filing fee is determined in the following manner:

(a) For a financing statement delivered to the filing office as provided in R 40.103(a), the date and time delivery is receipted by the filing office.

(b) Notwithstanding the time of delivery, for a financing statement delivered to the filing office as provided in R 440.103(b), (c), (e), or (g) during regular business hours, the earlier of the date and time delivery is receipted, or the next close of business following delivery.

(c) For a financing statement transmitted to the filing office as provided in R 440.103(d), the date and time the filing office determines that all required elements of the transmission have been received in the required format and are machine-readable.

(d) For a financing statement transmitted to the filing office as provided in R 440.103(f), the date and time the financing statement has been accepted for filing by the filing office's direct on-line entry system.

(2) Except as provided in subrule (1)(c) and (d) of this rule, the filing date and time of a financing statement received after regular business hours or on a day the filing office is not open for business is the earlier of the date and time delivery is receipted by the filing office on the next day the office is open for business, or the close of business on the next day the filing office is open for business.

(3) The filing officer may perform any duty relating to a financing statement on the filing date or on a date after the filing date.

R 440.404 Lapse date and time.

Rule 404. (1) Except as provided in subrule (3) of this rule, a lapse date is calculated for each initial financing statement in the following manner:

(a) Unless the initial financing statement indicates that it is filed with respect to a manufactured home transaction, then the lapse date is the same date of the same month as the filing date in the fifth year after the filing date or relevant subsequent fifth anniversary thereof if a timely continuation statement is filed.

(b) If the initial financing statement indicates that it is filed with respect to a manufactured home transaction, then the lapse date is the same date of the same month as the filing date in the thirtieth year after the filing date or relevant subsequent fifth anniversary thereof if a timely continuation statement is filed.

(2) The lapse takes effect at midnight at the end of the lapse date. The relevant anniversary for a February 29 filing date shall be March 1.

(3) A lapse date is not calculated for an initial financing statement that indicates the debtor to be a transmitting utility.

R 440. 405 Errors of the filing officer.

Rule 405. The filing office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction is made after the filing officer has issued a certification date that includes the filing date of a corrected document, then the filing officer shall make an entry on the record relating to the relevant initial financing statement in the UCC information management system stating the date of the correction and explaining the nature of the corrective action taken. The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

R 440.406 Errors other than filing office errors.

Rule 406. An error by a filer is the responsibility of the filer. A filer can correct an error by filing an amendment. A person under whose name a record is indexed can disclose an error by filing a correction statement.

R 440.407 Data entry of names; designated fields.

Rule 407. (1) A financing statement shall designate whether a name is a name of an individual or an organization and, if an individual, shall also designate the first, middle, and last names and any suffix.

(2) Both of the following provisions apply to the data entry of names into the UCC information management system:

(a) Organization names are entered in the field designated for an organization name exactly as set forth in the financing statement, even if it appears that multiple names are set forth in the document or if it appears that the name of an individual has been included in the field designated for an organization name.

(b) Individual names are entered into the first, middle, and last name and suffix fields exactly as set forth on the financing statement.

R 440.408 Data entry of names; no designated fields.

Rule 408. (1) If an initial financing statement or an amendment that adds a debtor to a financing statement fails to specify whether the debtor is an individual or an organization and is accepted for filing in error, then all of the following provisions apply:

(a) When not set forth in a field designated for individual names, a name is treated as an organization name if it contains words or abbreviations that indicate status such as any of the following and similar words or abbreviations in foreign languages:

(i) Association.

- (ii) Church.
- (iii) College.
- (iv) Company.
- (v) Co.
- (vi) Corp.
- (vii) Corporation.
- (viii) Inc.,
- (ix) Limited.
- (x) Ltd.
- (xi) Club.
- (xii) Foundation.
- (xiii) Fund.
- (xiv) L.L.C.
- (xv) Limited liability company.
- (xvi) Institute.
- (xvii) Society.
- (xviii) Union.
- (xix) Syndicate.
- (xx) GmBH.
- (xxi) S.A. de C.V.
- (xxii) Limited partnership.
- (xxiii) L.P.
- (xxiv) Limited liability partnership.
- (xxv) L.L.P.
- (xxvi) Trust.
- (xxvii) Business trust.
- (xxviii) Co-op.
- (xxix) Cooperative.

(xxx) Other designations established by statutes to indicate a statutory organization. In cases where organization or individual status is not designated by the filer and is not clear, the filing officer shall enter the name in the organization field.

(b) A name is entered as the name of an individual and not the name of an organization when the name is followed by a title substantially similar to one of the following titles or the equivalent of one of the following titles in a foreign language:

- (i) Proprietor.
- (ii) Sole proprietor.
- (iii) Proprietorship.
- (iv) Sole proprietorship.
- (v) Partner.
- (vi) General partner.
- (vii) President.
- (viii) Vice president.
- (ix) Secretary.
- (x) Treasurer.
- (xi) M.D.

- (xii) O.D.
- (xiii) D.D.S.
- (xiv) Attorney at law.
- (xv) Esq.
- (xvi) Accountant.
- (xvii) CPA.

In such cases, the title is not entered.

(c) Where it is apparent that the name of an individual and the name of an organization are stated on a single line and not in a designated individual name field, the name of the individual and the name of the organization shall be entered as 2 separate debtors, 1 as an individual and 1 as an organization. Additional filing fees for the additional debtor name will be required.

(2) If an initial financing statement or an amendment that adds a debtor to a financing statement fails to designate the last name of an individual debtor and is accepted for filing in error, or if only the last name of an individual debtor is designated in an initial financing statement or an amendment that adds a debtor to a financing statement, then all of the following provisions apply:

- (a) An initial in the first position of the name is treated as a first name. An initial in the second position of the name is treated as a middle name.
- (b) An initial and a name to which the initial apparently corresponds, as indicated by parentheses or similar punctuation, is entered into 1 name field only.
- (c) Two individual names contained in a single line are entered as 2 different debtors.
- (d) A 1-word name is entered as a last name.
- (e) A nickname, as indicated by parentheses or similar punctuation, is entered in the name field together with the name preceding the nickname, or if none, then as the first name.

R 440.409 Verification of data entry.

Rule 409. The filing officer may use a number of different processes to verify the accuracy of data entry tasks, such as any of the following:

- (a) Use of different staff to enter and verify data.
- (b) Double blind keying for key fields, such as debtor names.
- (c) Use of frequent party lists.
- (d) Visual inspection of entered data.

R 440.410 Initial financing statement record.

Rule 410. (1) For each initial financing statement, a new record is opened in the UCC information management system that bears the file number of the financing statement and the date and time of filing.

(2) The name and address of each debtor that are legibly set forth in the financing statement are entered into the record of the initial financing statement. Each debtor name entered into the record of the initial financing statement is included in the searchable index and is not removed until 1 year after the financing statement lapses. Debtor addresses may be included in the searchable index to the extent the filing office offers or intends to offer limited searches or limited copy requests as provided in R 440.504.

(3) The name and address of each secured party that are legibly set forth in the financing statement are entered into the record of the initial financing statement.

(4) The record of the initial financing statement is indexed according to the name of the debtor or debtors and is maintained for public inspection as provided in these rules.

(5) Unless the initial financing statement indicates it is filed against a transmitting utility, a lapse date is established for the financing statement, and the lapse date is maintained as part of the record of the initial financing statement.

R 440.411 Amendment record.

Rule 411. (1) A record is created for an amendment that bears the file number for the amendment and the date and time of filing.

(2) The record of the amendment is associated with the record of the related initial financing statement in a manner that causes the amendment to be retrievable each time a record of the financing statement is retrieved.

(3) The name and address of each additional debtor and secured party are entered into the UCC information management system in the record of the related initial financing statement. Each additional debtor name is added to the searchable index and is not removed until 1 year after the financing statement lapses. Debtor addresses may be included in the searchable index to the extent the filing office offers or intends to offer limited searches or limited copy requests as provided in R 440.504.

(4) If the amendment is a continuation, then a new lapse date is established for the financing statement and maintained as part of its record.

R 440.412 Correction statement record.

Rule 412. (1) A record is created for a correction statement that bears the file number for the correction statement and the date and time of filing.

(2) The record of the correction statement is associated with the record of the related initial financing statement in a manner that causes the correction statement to be retrievable each time a record of the financing statement is retrieved.

R 440.413 Global filings.

Rule 413. The filing officer may accept for filing a single financing statement for the purpose of amending more than 1 financing statement for either or both of the following purposes:

- (a) To change secured party name.
- (b) To change secured party address.

R 440.414 Document archives.

Rule 414. Financing statements electronically imaged in the UCC information management system relating to financing statements that have lapsed or have been terminated are retained for not less than 5 years from the date of lapse or termination.

R 440.415 Data archives.

Rule 415. Data in the UCC information management system relating to financing statements that have lapsed or have been terminated are retained for not less than 5 years from the date of lapse or termination.

R 440.416 Notice of bankruptcy.

Rule 416. The filing officer shall take no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system. Financing statements lapse in the UCC information management system as scheduled unless properly continued.

PART 5. SEARCH REQUESTS AND REPORTS

R 440.501 Searchable index.

Rule 501. The filing officer may maintain for public inspection a searchable index for all records of financing statements. The index shall provide for the retrieval of a record by the name of the debtor and by the file number of the financing statement to which the record relates.

R 440.502 Search requests; contents and processing.

Rule 502. (1) A search request shall be accompanied by the appropriate fee, payable by a method described in R 440.106, and shall contain all of the following information:

- (a) The full correct name of a debtor or the name variant desired to be searched.
 - (b) Specify whether the debtor is an individual or an organization.
 - (c) The name and address of the person to whom the search report is to be sent.
- (2) A search request shall be processed using the name in the exact form it is submitted.
- (3) For purposes of this rule, both of the following provisions apply:
- (a) The full name of an individual shall consist of a first name, a middle name or initial, and a last name followed by any suffix that may apply to the name.
 - (b) The full name of an organization shall consist of the name of the organization as stated on the articles of incorporation or other organic documents in the state or country of organization or the name variant desired to be searched.

R 440.503 Requests for expediting; identification; method; certification date.

- Rule 503. (1) A request for expediting shall be identified as such by the requestor.
- (2) A request for expediting shall state whether the requestor desires current certification. Current certification is certification to the end of the business day preceding the day of the request.
- (3) If the requestor does not expressly request current certification, then the certification date shall be the date under R 440.505.

R 440.504 Request for expediting; payment; account.

- Rule 504. (1) A request for expediting shall not be accepted by the filing office by telephone unless the requestor has a billing account with the filing office and authorizes the filing office to make a charge to the account for the search.
- (2) A request for expediting made by any other means provided in R 440.104 shall be accompanied by cash or check, in the correct amount, for the statutory fee, or the requestor shall have a billing account with the filing office and shall authorize the filing office to make a charge to the account for the search.

R 440.505 Response to request for expediting; mailing or personal delivery; time.

- Rule 505. (1) The response to a request for expediting received by the filing office before 11:00 a.m. on a business day shall be available for mailing or personal delivery between 3:00 p.m. and 4:30 p.m. on the day the request is received.
- (2) A request for expediting received by the filing office after 11:00 a.m. shall be considered a request for expediting and shall be processed on the next business day. If there is no personal delivery by the requestor on the day personal delivery is requested, then the information shall be mailed.
- (3) If the requestor specifies a current certification date in the request for expediting, then the information shall be available on the day of the request by personal delivery only.

R 440.506 Fees for expediting searches.

Rule 506. (1) The filing office shall charge the statutory fee for expediting of the regular search process, as provided by the UCC.

(2) Each separate name of a debtor set forth in a request for expediting shall be deemed a separate request for purposes of the statutory fee.

(3) Each time a requestor specifies that a request for expediting is being made, the request shall be deemed a separate request for purposes of the statutory fee.

R 440.507 Search reports.

Rule 507. (1) Reports created in response to a search request shall include all of the following:

(a) Identification of the filing officer and the certification of the filing officer required by the UCC.

(b) The date the report was generated.

(c) Identification of the name searched.

(d) The certification date applicable to the report.

(e) Identification of each active initial financing statement filed on or before the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time.

(f) For each initial financing statement on the report, a listing of all related financing statements filed by the filing officer on or before the certification date.

(g) Copies of all financing statements revealed by the search and requested by the searcher.

(2) As used in this rule, "certification date" means the date and time through which the search is effective to reveal all relevant financing statements filed on or before that date.

R 440.508 Limited or modified search requests.

Rule 508. (1) A person requesting a UCC search may limit or modify the search by requesting either or both of the following:

(a) That copies of documents referred to in the report be included with the report.

(b) To limit the scope of the search and copies by reference to any 1 or more of the following:

(i) The initial financing statement identification number.

(ii) The city of the debtor.

(iii) The identity of a secured party of record.

(iv) The date of filing.

(v) A range of dates between 2 specified dates.

(vi) A range of dates before or after a specified date.

(2) A report created by the filing officer in response to a request that a UCC search be limited under this rule shall contain the following statement:

"A search request limited under R 440.508(1) may not reveal all filings against the debtor searched. The searcher bears the risk of relying on the limited search."

R 440.509 Personal inspection of information; filing request; time; access to files; charges; separate request for certification, updating, or copying.

Rule 509. (1) A request for personal inspection of information filed with the filing office pursuant to the UCC shall specify a date and time for the personal inspection. The inspection shall be made not less than 3 business days after the request is received by the filing office.

(2) A request for personal inspection of files may be made by telephone, in person, or by mail.

(3) The requestor shall only be given access to files specified in writing by the requestor on the date of the request. The charge for personal inspection shall be the statutory fee for expediting of the regular search process, plus the regular statutory fee for each name of a debtor specified in the written request for inspection.

(4) The request for inspection of files shall not include a request for certification, updating, or copying of documents. A separate request shall be made for certification, updating, or copying by the secretary of state, and shall be subject to a separate statutory fee.

R 440.510 Search logic.

Rule 510. Search results are created by applying standardized search logic to the name presented to the filing officer by the person requesting the search. Human judgment does not play a role in determining the results of the search. All of the following provisions are applied to conduct searches:

- (1) The number of matches that may be returned in response to the search criteria is not limited.
- (b) No distinction is made between upper and lower case letters.
- (c) Punctuation marks and accents are disregarded. Only the letters A to Z in upper or lower case, the numbers 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9, and the symbol &, in any combination, are considered in conducting the search.
- (d) Words and abbreviations at the end of a name that indicate the existence or nature of an organization are disregarded, including, but not limited to, any of the following or abbreviations of the following:
 - (i) Agency.
 - (ii) Association.
 - (iii) Assn.
 - (iv) Associates.
 - (v) Assc.
 - (vi) Assoc.
 - (vii) Attorney at law.
 - (viii) Bank.
 - (ix) National bank.
 - (x) Business trust.
 - (xi) Charter.
 - (xii) Chartered.
 - (xiii) Company.
 - (xiv) Co.
 - (xv) Corporation.
 - (xvi) Corp.
 - (xvii) Credit union.
 - (xviii) CU.
 - (xix) Federal savings bank.
 - (xx) FSB.
 - (xxi) General partnership.
 - (xxii) Gen part.
 - (xxiii) GP.
 - (xxiv) Incorporated.
 - (xxv) Inc.
 - (xxvi) Limited.
 - (xxvii) Ltd.
 - (xxviii) Ltee.

- (xxix) Limited liability company.
- (xxx) LC.
- (xxxi) LLC.
- (xxxii) Limited liability partnership.
- (xxxiii) LLP.
- (xxxiv) Limited partnership.
- (xxxv) LP.
- (xxxvi) Medical doctors professional association.
- (xxxvii) MDPA.
- (xxxviii) Medical doctors professional corporation.
- (xxxix) MDPC.
- (xL) National association.
- (xLi) NA.
- (xLii) Partners.
- (xLiii) Partnership.
- (xLiv) Professional association.
- (xLv) Prof assn.
- (xLvi) PA.
- (xLvii) Professional corporation.
- (xLviii) Prof corp.
- (xLix) PC.
- (L) Professional limited liability company.
- (Li) Professional limited liability co.
- (Lii) PLLC.
- (Liii) Railroad.
- (Liv) RR.
- (Lv) Real estate investment trust.
- (Lvi) REIT.
- (Lvii) Registered limited liability partnership.
- (Lviii) RLLP.
- (Lix) Savings association.
- (Lx) SA.
- (Lxi) Service corporation.
- (Lxii) SC.
- (Lxiii) Sole proprietorship.
- (Lxiv) SP.
- (Lxv) SPA.
- (Lxvi) Trust.
- (Lxvii) Trustee.
- (Lxviii) As trustee.
- (e) The word "the" at the beginning of the search criteria is disregarded.
- (f) All spaces are disregarded.
- (g) For first and middle names of individuals, initials are equated with all names that begin with the initials, and no middle name or initial is equated with all middle names and initials.

(h) After taking the preceding provisions into account to modify the name of the debtor requested to be searched and to modify the names of debtors contained in unlapsed financing statements in the UCC information management system, the search will reveal only names of active debtors that, as modified, exactly match the name requested, as modified.

NOTICE OF PUBLIC HEARING

ORR # 2001-073

DEPARTMENT OF STATE

OFFICE OF CUSTOMER SERVICES

UNIFORM COMMERCIAL CODE FILING OFFICE

Subject: Uniform Commercial Code Filing Office Rules
Time: 9:30 a. m.
Date: Thursday August 22, 2002
Location: The Forum, Ground Floor
Michigan Library and Historical Center
717 West Allegan Street
Lansing, Michigan

The Secretary of State, under authority of section 9526 of the Uniform Commercial Code, will hold a public hearing to receive comments on proposed administrative rules governing the establishment and operation of the central filing office and the central filing system under revised Article 9 of the Uniform Commercial Code.

These proposed rules prescribe the procedures to be used by the filing office of the Secretary of State for the acceptance, refusal, acknowledgment and other treatment of filings under revised Article 9 of the Uniform Commercial Code, including data entry, indexing, information management, and processing search requests.

Interested individuals and organizations are invited to attend the hearing to present comments orally or in writing. Persons who cannot attend the hearing but who wish to comment on the rules or offer suggestions for change may mail written statements to Mr. Vito J. Mirasola at the following address, on or before August 21, 2002. Copies of the proposed rules will be available at the hearing but may be obtained in advance of the hearing by contacting:

Vito J. Mirasola
Compliance Division
Michigan Department of State
208 N. Capitol Avenue, Third Floor
Lansing, Michigan 48918-2160

Telephone: 517/373-8252
Fax: 517/241-0657
E-mail: mirasolav@michigan.gov

Persons with disabilities and in need of accommodation to participate at the hearing should contact Jane Kern at (517) 373-8252 (voice) or (517) 241-0657 (FAX), one week in advance of the hearing, to request mobility, visual, hearing, or other assistance.

If adopted, the proposed rules will take effect 15 days after filing with the Secretary of State.

PROPOSED ADMINISTRATIVE RULES

ORR # 2001-075

DEPARTMENT OF ENVIRONMENTAL QUALITY

GEOLOGICAL SURVEY DIVISION

OIL AND GAS OPERATIONS

Filed with the Secretary of State on
These rules take effect ~~15~~ 7 days after filing with the Secretary of State

(By authority conferred on the supervisor of wells and the director of the department of environmental quality by section 61506 of ~~Act No. 451 of the Public Acts of 1994, as amended~~ 1994 PA 451, MCL 324.61506, sections 9 and 251 of ~~Act No. 380 of the Public Acts of 1965, as amended~~, 1965 PA 380, MCL 16.109 AND 16.351, and Executive Reorganization Order No. 1991-22, ~~being §§ 324.61506, 16.109, 16.351, and MCL 299.13 of the Michigan Compiled Laws~~)

R 324.102, R 324.103, R 324.202, R 324.203, R 324.207, R 324.210, R 324.211, R 324.213, R 324.501, R 324.504, R 324.511, R 324.1014, R 324.1107, R 324.1122, R 324.1123, and R 324.1301 of the Michigan Administrative Code are amended as follows:

PART 1. GENERAL PROVISIONS

R 324.102 Definitions; A to M.

Rule 102. As used in these rules:

- (a) "Act" means ~~Act No. 451 of the Public Acts of 1994, as amended, being §~~ 1994 PA 451, MCL 324.101 et seq. ~~of the Michigan Compiled Laws.~~
- (b) "ANSI" means the American national standards institute.
- (c) "API" means the American petroleum institute.
- (d) "Authorized representative of the supervisor" means a department of environmental quality employee who is charged with the responsibility for implementation of the act or THESE rules.
- (e) "Blowout prevention equipment" means a casinghead control device designed to control the flow of fluids from the well bore by closing around the drill pipe or production tubing or completely sealing the hole in the absence of drill pipe or production tubing.
- (f) "Brine" means all nonpotable water resulting, obtained, or produced from the exploration, drilling, or production of oil or gas, or both.
- (g) "Central production facility" means production equipment which has been consolidated at a central location that provides for the commingling of oil or gas production, or both, from 2 or more wells or production units of diverse ownership or from 2 or more prorated wells or production units.
- (h) "Conformance bond" means a surety bond that has been executed by a surety company authorized to do business in the state of Michigan, cash, certificates of deposit, letters of credit, or other securities that are filed

by a person and accepted by the supervisor to ensure compliance with the act, these rules, permit conditions, instructions, orders of the supervisor, or an order of the department of environmental quality.

(i) "Development well" means a well which has as its objective an oil or gas pool known to be, or have been, productive through the discovery well of the oil or gas pool and which is located either within a 2-mile radius of the discovery well or on the same structure as the discovery well.

(j) "Directionally drilled well" means a well purposely deviated from the vertical using controlled angles to reach an objective location.

(k) "Discovery well" means a well that discovers a new and previously untapped oil or gas pool. A discovery well may open up a new field or it may locate a previously unknown oil or gas pool in an old field.

(l) "Drilling completion" means the time when a well has reached its permitted depth or the supervisor has determined drilling has ceased.

(m) "DRILLING OPERATIONS" MEANS ALL OF THE PHYSICAL AND MECHANICAL ASPECTS OF CONSTRUCTING A WELL FOR THE EXPLORATION OR PRODUCTION OF OIL OR GAS, OR BOTH, OR FOR INJECTION OF FLUIDS ASSOCIATED WITH THE PRODUCTION OF OIL OR GAS, OR BOTH, AND INCLUDES ALL OF THE FOLLOWING:

(i) MOVING DRILLING EQUIPMENT ONTO THE DRILL SITE.

(ii) PENETRATION OF THE GROUND BY THE DRILL BIT AND DRILLING OF THE WELL BORE.

(iii) CASING AND SEALING OF THE WELL BORE.

(iv) CONSTRUCTION OF WELL SITES AND ACCESS ROADS.

~~(m)~~(n) "Drilling unit" means the area prescribed by an applicable well spacing rule or order for the granting of a permit for the drilling and operation of a AN OIL OR GAS well, OR BOTH.

~~(n)~~(o) "Facility piping" means piping that connects any of the following:

(i) Compressors.

(ii) Flares.

(iii) Loadouts.

(iv) Separators.

(v) Storage tanks.

(vi) Transfer pumps.

(vii) Treatment equipment.

(viii) Vents.

~~(o)~~(p) "Fence" means a structure which is designed to deter access and which consists of not less than 2 strands of barbed wire, 1 strand being approximately 18 inches above the ground and the other strand being approximately 42 inches above the ground, secured to supporting posts or means an equivalent structure that deters access.

~~(p)~~(q) "Final completion" means the time when locating, drilling, deepening, converting, operating, producing, reworking, plugging, and proper site restoration have been performed on a well in a manner approved by the supervisor, including the filing of the mandatory records, and when the conformance bond has been released.

~~(q)~~(r) "Flow line" means piping that connects a well or wells to a surface facility.

~~(r)~~(s) "Fresh water" means water which is free of contamination in concentrations that may cause disease or harmful physiological effects and which is safe for human consumption.

~~(s)~~(t) "Gas storage" means the use of a depleted oil or gas pool, salt cavern, or other porous strata utilized for the purpose of injecting and withdrawing gas from the depleted oil or gas pool, salt cavern, or other porous strata.

~~(t)~~(u) "Gathering line" means a pipeline that transports natural gas from a surface facility to a transmission pipeline.

~~(u)~~(v) "Geologist" means a person who is certified as a geologist by a credible geological professional association or who, by reason of his or her knowledge of the natural sciences, mathematics, and the principles of geology acquired by professional education and practical experience, is qualified to engage in the practice of the science of geology.

~~(v)~~(w) "Groundwater" means water below the land surface in the zone of saturation.

~~(w)~~(x) "Injection well" means a well used to dispose of, into underground strata, waste fluids produced incidental to oil and gas operations or a well used to inject water, gas, air, brine, or other fluids for the purpose of increasing the ultimate recovery of hydrocarbons from a reservoir or for the storage of hydrocarbons.

~~(x)~~(y) "Instruction" means a written statement of general applicability which is issued by the supervisor, which conforms with the act and rules promulgated pursuant to UNDER the act, and which clarifies or explains the applicability of the act or rules to commonly recurring facts or circumstances.

~~(y)~~(z) "Multiple zone completion" means a well constructed and operated to separately produce oil or gas, or both, from more than 1 reservoir through 1 well bore.

R 324.103 Definitions; N to Z.

Rule 103. As used in these rules:

(a) "Nuisance odor" means an emission of any gas, vapor, fume, or mist, or combination thereof, from a well or its associated surface facilities, in whatever quantities, that causes, either alone or in reaction with other air contaminants, injurious effects to human health or safety; unreasonable injurious effects to animal life, plant life of significant value, or property; or unreasonable interference with the comfortable enjoyment of life or property.

(b) "OIL AND GAS OPERATIONS" MEANS PERMITTING ACTIVITIES REQUIRED UNDER R 324.201(2) AND (3), DRILLING OPERATIONS, WELL COMPLETION OPERATIONS, OPERATION OF OIL AND GAS WELLS, PLUGGING OPERATIONS, AND SITE RESTORATION.

(c) "OPERATION OF OIL AND GAS WELLS" MEANS THE PROCESS OF PRODUCING OIL OR GAS, OR BOTH, INCLUDING ALL OF THE FOLLOWING:

(i) PRODUCTION, PUMPING, AND FLOWING.

(ii) PROCESSING.

(iii) GATHERING.

(iv) COMPRESSING.

(v) TREATING.

(vi) TRANSPORTING.

(vii) CONDITIONING.

(viii) BRINE REMOVAL AND DISPOSAL.

(ix) SEPARATING.

(x) STORING.

(xi) INJECTING.

(xii) TESTING.

(xiii) REPORTING.

(xiv) MAINTENANCE AND USE OF SURFACE FACILITIES.

(xv) SECONDARY RECOVERY.

~~(b)~~(d) "Organization report" means a listing of all corporate officers, directors, incorporators, partners, or shareholders who have the authority to make, or are responsible for making, operational decisions, including the siting, drilling, operating, producing, reworking, and plugging of wells.

~~(e)~~(e) "Permit" means a permit to drill and operate an oil or gas well, or both, or an injection well, including associated surface facilities and ~~flowlines~~ FLOW LINES.

(f) “PLUGGING OPERATIONS” MEANS THE SEALING OF THE FLUIDS IN THE STRATA PENETRATED BY AN OIL OR GAS WELL, OR BOTH, UPON ABANDONMENT OF THE WELL OR A PORTION OF THE WELL BORE, SO THAT THE FLUID FROM ONE STRATUM WILL NOT ESCAPE INTO ANOTHER OR TO THE SURFACE.

~~(d)~~(g) “Ppm” means parts per million by volume.

~~(e)~~(h) “Psi” means pounds per square inch.

~~(f)~~(i) “Psig” means pounds per square inch gauge.

~~(g)~~(j) “Secondary recovery” means the introduction or utilization of fluid or energy into or within a pool for the purpose of increasing the ultimate recovery of hydrocarbons from the pool.

~~(h)~~(k) “Shut-in” means an action by a permittee to close down a producing well, a well capable of producing, or an injection well temporarily for any of the following reasons:

(i) Repair.

(ii) Cleaning out.

(iii) Building up reservoir pressure.

(iv) Planning for secondary recovery.

(v) Other injection projects.

(vi) While awaiting connection of a sales line.

(vii) Lack of a market.

~~(i)~~(l) “Site restoration” means all of the following:

(i) The filling and leveling of all cellars, pits, and excavations.

(ii) The removal or elimination of all debris.

(iii) The elimination of all conditions that may create a fire or pollution hazard.

(iv) The minimization of erosion.

(v) The restoration of the well site as nearly as practicable to the original land contour or to a condition approved by the supervisor.

~~(j)~~(m) “Structure used for public or private occupancy” means a residential dwelling or place of business, place of worship, school, hospital, government building, or other building where people are usually present at least 4 hours per day.

~~(k)~~(n) “Supervisor” means the director of the department of environmental quality or his or her assistants as approved by the director of the department of environmental quality.

~~(l)~~(o) “Surface casing” means the casing string or strings used primarily for protecting fresh water or mineralized water resources from potential contamination during the drilling and operation of a AN OIL OR GAS well, OR BOTH.

~~(m)~~(p) “Surface facility” means a facility used in the injection of fluids or in the production, processing, or treatment of oil or gas, or both, including any of the following:

(i) Pumping equipment.

(ii) Fluid disposal equipment.

(iii) Facility piping.

(iv) Load outs.

(v) Separators.

(vi) Storage tanks.

(vii) Treatment equipment.

(viii) Compressors.

~~(n)~~(q) “Surface water” means a body of water, and the associated sediments, which has a top surface that is exposed to the atmosphere and which is not solely for wastewater conveyance, treatment, or control. Surface water may be any of the following:

- (i) A Great Lake or its connecting waters.
- (ii) An inland lake or pond.
- (iii) A river or stream, including intermittent streams.
- (iv) An impoundment.
- (v) An open drain.
- (vi) A wetland.

~~(o)~~(r) “Well completion” means the time when a well has been tested and found to be incapable of producing hydrocarbons in commercial quantities and has been plugged or has been found capable of producing commercial quantities of hydrocarbons or when the well has been equipped to perform the service for which it was intended.

~~(p)~~(s) “Well completion operations” means work performed in an oil or gas well, or both, after the well has been drilled to its permitted depth and the production string of casing has been set, including perforating, artificial stimulation, and production testing.

~~(q)~~(t) “Well location” means the surface location of a well.

~~(r)~~(u) “Zoned residential” means a geographic area that was zoned by a local unit of government before January 8, 1993, as an area designated principally for permanent or recreational residences.

PART 2. PERMITS TO DRILL AND OPERATE

R 324.202 Directional redrilling.

Rule 202. (1) A permittee of a well who desires to directionally redrill an existing well to a different bottom hole location shall file an application for a new permit. The application shall set forth, in detail, the new bottom hole location and identify the plug-back depth of the existing well and shall be filed ~~pursuant to~~ UNDER R 324.201(3). The directional redrilling shall not be commenced until the application has been approved by the supervisor or authorized representative of the supervisor, except as provided in subrule (2) of this rule. A new permit and an additional fee shall be required.

(2) A permittee of a well who desires to directionally redrill an existing permitted drilling well to a different bottom hole location with the drilling rig then on location shall obtain approval from the supervisor or authorized representative of the supervisor. Approval to redrill shall be obtained by contacting the authorized representative of the supervisor in person or by telephone and providing pertinent details of the proposed directional redrilling. Approval may be granted immediately if all of the following provisions are complied with:

(a) The existing drilled hole is plugged back before starting the new directional hole ~~pursuant to~~ UNDER the provisions of these rules.

(b) The new bottom hole location conforms to applicable spacing.

(c) The well has adequate bonding or a statement of financial responsibility has been filed ~~pursuant to~~ UNDER R 324.210.

(3) If approval to directionally redrill is granted, a permittee of a well shall obtain a new permit and pay an additional fee. The application for a new permit and additional fee shall be filed within 10 days at the offices of the Michigan Department of Environmental Quality, Geological Survey Division, P.O. Box 30256, Lansing, Michigan 48909. In addition to other enforcement actions, failure to comply with this subrule shall be cause for immediate suspension of any or all components of the OIL AND GAS operations on the well.

(4) A well log and plugging record shall be filed on the plugged-back hole ~~pursuant to~~ UNDER these rules.

R 324.203 Lost holes.

Rule 203. (1) A permittee of a well shall obtain approval to skid a rig or move to start a new hole when a hole has been lost. A new permit or additional fee is not required if the new location for the well is within 165 feet of the lost hole and the drilling unit is not changed.

(2) A permittee of a well may obtain approval for skidding a rig or moving to a new location for the well because of a lost hole from the authorized representative of the supervisor in person or by telephone. Approval may be granted immediately if all of the following provisions are complied with:

(a) The lost hole shall be plugged before starting the replacement hole ~~pursuant to~~ UNDER the provisions of these rules.

(b) The new location for the well shall be made at a safe distance from the lost hole.

(c) The new bottom hole location shall conform to applicable spacing.

(d) The new location for the well shall not create surface waste.

(e) An amended application with corrected attachments and supplements shall be filed within 5 business days at the offices of the Michigan Department of Environmental Quality, Geological Survey Division, P.O. Box 30256, Lansing, Michigan 48909. In addition to other enforcement actions, failure to comply with this subrule shall be cause for suspension of any or all components of the OIL AND GAS operations on the well.

(f) A well log and well plugging record shall be filed on all lost holes ~~pursuant to~~ UNDER the provisions of these rules.

R 324.207 Suspension of OIL AND GAS operations due to failure to transfer permit.

Rule 207. If a permittee of a well conveys his or her rights as an owner of a well to another person, or ceases to be the authorized representative of the owner of a well, and a request for transfer of the permit ~~pursuant to~~ UNDER R 324.206(6) has not been approved, then, in addition to other enforcement actions, failure to comply shall be cause for immediate suspension of any or all components of the OIL AND GAS operations on the well, including the removal or sale of oil, gas, or brine.

R 324.210 Conformance bond or statement of financial responsibility requirements.

Rule 210. (1) A person who files an application for a permit to drill and operate a well ~~pursuant to~~ UNDER R 324.201, or who acquires a well ~~pursuant to~~ UNDER R 324.206(6), shall file a conformance bond with the supervisor on a form prescribed by the supervisor or shall submit a statement of financial responsibility ~~pursuant to~~ ~~to~~ UNDER subrule (2) of this rule.

(2) A statement of financial responsibility shall consist of ALL OF the following:

(a) A written statement which is signed by the person, which lists data that show that the person meets the criteria specified in subrule (3) of this rule, and which states that the data are derived from an independently audited year-end financial statement.

(b) A copy of an independent certified public accountant's report on examination of the person's financial statements for the latest completed fiscal year.

(c) A special report from the person's independent certified public accountant stating that the accountant has compared the data listed in the statement provided under subdivision (a) of this subrule with the amounts in the corresponding year-end financial statement and that nothing came to the attention of the accountant which caused the accountant to believe that the financial records should be adjusted.

(3) When a person submits a statement of financial responsibility instead of a conformance bond, a person shall meet the criteria of either subdivision (a) or (b) of this subrule, as follows:

(a) A person required to file the statement of financial responsibility shall have all of the following:

(i) Two of the following 3 ratios:

(A) A ratio of total liabilities to net worth of less than 2.0.

(B) ~~The~~ A ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities is OF more than 0.1.

(C) A ratio of current assets to current liabilities of more than 1.5. Projected oil and gas reserves may be utilized in determining current assets only to the extent that the value of the reserves exceeds the projected costs of development and production.

(ii) Net working capital and tangible net worth each of which is not less than 3 times the amount of the conformance bond provided in R 324.212, if the person had elected to file a conformance bond.

(iii) Total assets in Michigan that are not less than 3 times the amount of the conformance bond provided in R 324.212, if the person had elected to file a conformance bond. Projected oil and gas reserves may be utilized in determining current assets only to the extent that the value of the reserves exceeds the projected costs of development and production.

(iv) A written statement from a certified public accountant which states that no matter came to the attention of the accountant which caused him or her to believe that the financial records should be adjusted.

(b) A person required to file a statement of financial responsibility shall have all of the following:

(i) A current rating for his or her most recent bond issuance of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's.

(ii) A tangible net worth of not less than \$2,000,000.00.

(iii) Total assets in Michigan that are not less than 3 times the amount of the conformance bond provided in R 324.212, if the person had elected to file a conformance bond. Projected oil and gas reserves may be utilized in determining current assets only to the extent that the value of the reserves exceeds the projected costs of development and production.

(4) A person shall submit a statement of financial responsibility to the supervisor not less than 60 days before the date the financial assurance is scheduled to take effect.

(5) After the initial submission of a statement of financial responsibility, the person shall send an updated statement of financial responsibility to the supervisor within 90 days after the close of each succeeding fiscal year.

(6) If a person no longer meets the requirements of subrule (3) of this rule, he or she shall send notice to the supervisor of the intent to establish alternate financial assurance by filing a conformance bond as specified in subrule (1) of this rule. The notice shall be sent, by certified mail, within 90 days after the end of the fiscal year for which the year-end review of the financial records shows that the person no longer meets the requirements. The person shall provide the alternate financial assurance within 120 days after the end of the fiscal year.

(7) The supervisor may, based on a reasonable belief that the person no longer meets the requirements of subrule (3) of this rule, require a report at any time from the person in addition to the information required by subrule (3) of this rule. If the supervisor finds, on the basis of a review of the report or other information, that the person no longer meets the requirements of subrule (3) of this rule, then the supervisor or authorized representative of the supervisor shall notify and inform the person. Within 30 days of the notification, the person shall provide alternate financial assurance by filing a conformance bond as specified in subrule (1) of this rule or shall bring the well to final completion. Failure to comply with this subrule shall be cause for immediate suspension of any or all components of the OIL AND GAS operations on the well.

(8) The supervisor may require additional conformance bonds to ensure compliance with orders of the supervisor, excluding proration, compulsory pooling, or spacing orders. The conformance bond shall be in addition to the conformance bonds filed pursuant to UNDER R 324.212(a), (b), or (c) and shall be required only if the supervisor determines that the existing conformance bond is not adequate to cover the estimated cost

of plugging the well and conducting site restoration or other obligations of the permittee under the order. A person is not required to file additional conformance bonds ~~pursuant to~~ UNDER this subrule if the person has filed a blanket conformance bond or bonds in an aggregate amount of \$250,000.00 or more, ~~pursuant to~~ UNDER R 324.212(d). Subject to the provisions of R 324.213, the additional conformance bond shall be released when the permittee has complied with all provisions of the orders of the supervisor.

(9) Conformance bonds that were in effect before the effective date of these rules shall remain in effect under the conditions upon which they were filed and accepted by the supervisor. However, in place of conformance bonds that were in effect before the effective date of these rules, a permittee may file conformance bonds or submit a statement of financial responsibility ~~pursuant to~~ UNDER these rules for wells permitted under the act before the effective date of these rules.

R 324.211 Liability on conformance bond.

Rule 211. (1) The liability on the conformance bond is conditioned upon compliance with the act, these rules, permit conditions, instructions, or orders of the supervisor. Subject to the provisions in R 324.213, liability shall cover all OIL AND GAS operations of the permittee as follows:

- (a) Through transfer of the permit for the subject well ~~pursuant to~~ UNDER R 324.206(6).
- (b) Through final completion approved by the supervisor of the subject well.
- (c) Otherwise as approved by the supervisor.

(2) The supervisor shall look to the conformance bond for immediate compliance with, and fulfillment of, the full conditions of the act, these rules, permit conditions, instructions, or orders of the supervisor. All expenses incurred by the supervisor in ~~achievement of~~ ACHIEVING compliance with, and fulfillment of, all conditions of the act, these rules, permit conditions, instructions, or orders of the supervisor shall be paid by the permittee or the surety or from cash or securities on deposit. The claim shall be paid within 30 days of notification to the permittee or surety that expenses have been incurred by the supervisor. If the claim is not paid within 30 days, the supervisor, acting for and on behalf of the state, may bring suit for the payment of the claim.

R 324.213 Cancellation of conformance bonds issued by a surety.

Rule 213. (1) A surety company may cancel a conformance bond acquired ~~pursuant to~~ UNDER these rules upon 90 days' notice to the supervisor of the effective date of cancellation. However, the surety company shall retain liability for all violations of the act, these rules, permit conditions, instructions, or orders of the supervisor that occurred during the time the conformance bond was in effect.

(2) Forty days before the effective date of cancellation, as provided in subrule (1) of this rule, a permittee shall secure a conformance bond from another surety company authorized to do business in the state of Michigan, deposit cash or other securities, or bring the well to final completion. Failure to comply with this subrule shall be cause for the immediate suspension of any or all components of the OIL AND GAS operations on the well.

(3) A surety company shall remain liable until the violations have been corrected and the corrections are accepted by the supervisor for all violations of the act, these rules, permit conditions, instructions, or orders of the supervisor that occurred at the well during the time the conformance bond was in effect before the effective date of cancellation.

PART 5. COMPLETION AND OPERATION

R 324.501 Responsibility for well OIL AND GAS operations.

Rule 501. A permittee of a well is responsible for the OIL AND GAS operations of his or her well.

R 324.504 Well sites and surface facilities.

Rule 504. (1) A person shall use every reasonable precaution to stop and prevent waste. All wells, surface facilities, gathering lines, and flow lines shall be constructed and operated so that the materials contained in the facilities do not cause waste. An OIL AND GAS operation shall not be commenced or continued at a location where it is likely that a substance may escape in a quantity sufficient to pollute the air, soil, surface waters, or groundwaters or to cause unnecessary endangerment of public health, safety, or welfare until the permittee has complied with the methods and means to prevent pollution or eliminate the unnecessary endangerment of public health, safety, or welfare as specified by the supervisor.

(2) The surface facilities shall be located not less than 300 feet from all of the following:

(a) Existing recorded freshwater wells and reasonably identifiable freshwater wells utilized for human consumption.

(b) Existing structures used for public or private occupancy.

(c) Existing areas maintained for public recreation.

(d) The edge of the traveled portion of an existing interstate, United States, or state highway. Pump jacks are exempt from this requirement.

(3) Surface facilities may be located closer than 300 feet from existing recorded freshwater wells and reasonably identifiable freshwater wells utilized for human consumption and existing structures used for public or private occupancy under either of the following conditions:

(a) Upon presentation to the supervisor of a written consent signed by the owner or owners of all existing recorded freshwater wells and reasonably identifiable freshwater wells utilized for human consumption and existing structures used for public or private occupancy.

(b) After a hearing under part 12 of these rules, the supervisor determines that the surface facility location will prevent waste, protect environmental values, and not compromise public safety.

(4) A permittee of a well shall not begin the installation of a surface facility or flow line without approval of the supervisor or authorized representative of the supervisor. A permittee shall make a written request for approval to construct and operate or to substantially reconstruct and operate a surface facility or flow line and shall file the request with the supervisor. The request may be filed with the application for a permit to drill and operate a well. The request shall have a detailed description and plan of the proposed facility, which shall include all of the following information:

(a) An environmental impact assessment if the surface facility is located more than 300 feet from the well or wells it serves.

(b) The location of the proposed surface facility or flow line.

(c) Identification of the well or wells to be connected to the surface facility or flow line.

(d) Reasonable and necessary measures to protect environmental values associated with existing adjacent land uses, including berming, screening, and access road location.

(e) Information relative to the approximate distances and directions from the surface facility or flow line to special hazards or conditions identified in R 324.201(2)(b)(iv).

(5) Upon receipt of a written request for approval to construct and operate or to substantially reconstruct and operate a surface facility or flow line under subrule (4) of this rule, other than a request to construct and operate a surface facility or flow line made as part of an application for permit to drill and operate a well, ~~then~~ the supervisor or authorized representative of the supervisor shall have up to 30 days to review the request to determine if the request is accurate and complete. If the request is determined to be inaccurate or incomplete, the supervisor or authorized representative of the supervisor shall provide, within the 30-day period, to the person making the request, a notice that the request is inaccurate or incomplete and what changes or additional information shall be submitted. Upon receipt of the requested information, the supervisor or authorized

representative of the supervisor shall have up to an additional 15 days to review the information to determine if the request is accurate and complete. Upon completion of the review process, the supervisor or authorized representative of the supervisor shall approve or deny the request within 10 business days. A request shall be approved if the supervisor determines that construction and operation of the proposed surface facility or flow line will prevent waste, protect environmental values, and not compromise public safety. Upon approval by the supervisor or authorized representative of the supervisor, a request made under this rule shall become part of, and subject to, the provisions of the permit to drill and operate the well or wells served by the surface facility.

(6) A person or permittee of a well shall not install a gathering line, carrying gas with more than 300 ppm hydrogen sulfide or a flow line or facility piping carrying gas from a class I H₂S well and that is subject to a maximum working pressure ~~in excess of~~ OF MORE THAN 125 psig that does not meet the construction requirements in R 324.1130.

(7) Surface facilities constructed after November 15, 1989, shall have secondary containment under R 324.1002.

(8) If discharges to the air, surface waters, or groundwater of the state are likely to occur at a surface facility, THEN a permittee shall apply for and obtain all necessary state and federal discharge permits before operating the surface facility.

R 324.511 Change of well status.

Rule 511. (1) A permittee of a well who desires to change the status of a well by an OIL AND GAS operation, including temporary abandonment, except as allowed by R 324.704, and additional acid or other stimulation treatment, shall file an application for change of well status with the supervisor. The application shall set forth, in detail, the kind of OIL AND GAS operation to be accomplished and the plan for protecting all oil, gas, brine, or fresh water strata the well has penetrated. A permittee shall not begin the OIL AND GAS operation until he or she has received approval from the supervisor or authorized representative of the supervisor and provided notification to the supervisor or authorized representative of the supervisor of the date the OIL AND GAS operation will commence.

(2) A permittee of a well who changes the status of a well shall file, with the supervisor, within 60 days, a complete change of well status record on forms prescribed by the supervisor, except that a record shall not be filed when the change of well status operation is for temporary abandonment purposes.

PART 10. WELL SITES AND SURFACE FACILITIES; PREVENTION OF FIRES, POLLUTION, AND DANGER TO, OR DESTRUCTION OF, PROPERTY OR LIFE

R 324.1014 Suspension of OIL AND GAS operations due to threat to public health and safety.

Rule 1014. (1) The supervisor or authorized representative of the supervisor shall have the authority to immediately require corrective action, including suspending any or all components of the ~~drilling or other well~~ OIL AND GAS operations, if the ~~drilling or other well~~ OIL AND GAS operationS has HAVE been determined by the supervisor to be in violation of the provisions of the act, these rules, permit conditions, instructions, or orders of the supervisor and threatens the public health and safety.

(2) A suspension of OIL AND GAS operations shall be in effect for not more than 5 days or until the operation is in compliance and protection of the public health and safety is ensured. To extend the suspension beyond 5 days, the supervisor shall issue an emergency order to continue the suspension of OIL AND GAS operations and may schedule a hearing ~~pursuant to~~ UNDER part 12 of these rules. The total duration of the suspension of OIL AND GAS operations shall not be more than 21 days, as provided in section 61516 of the act.

PART 11. HYDROGEN SULFIDE MANAGEMENT

R 324.1107 Training.

Rule 1107. (1) A permittee of a well is responsible for ensuring that all agents, employees, or other representatives of the permittee who are involved in drilling, completing, testing, producing, repair, workover, or servicing operations on an H₂S well have received training from persons qualified in hydrogen sulfide safety. The training shall include all of the following matters:

- (a) The physical properties and physiological effects of hydrogen sulfide.
- (b) The effects of hydrogen sulfide on metals and elastomers.
- (c) Emergency escape procedures.
- (d) The location and proper use of safety equipment.
- (e) The locations of primary and secondary briefing areas.
- (f) The location and operation of the hydrogen sulfide detection and warning system.
- (g) The corrective actions, shut-in procedures, H₂S well ignition procedures, and procedures for notifying off-site public authorities listed in the contingency plan to be followed in an emergency.
- (h) The contents of the permittee's contingency plan.

(2) Not less than 2 persons per crew shall be trained in emergency first aid procedures, including red cross-approved techniques of cardiopulmonary resuscitation.

(3) When a drilling contractor or other independent contractor is involved in drilling, completing, testing, producing, repair, workover, or servicing operations on an H₂S well, a permittee of a well may rely on written certification obtained from the contractor that the agents and employees of the contractor involved in the operations have received the training required by this rule. A permittee shall retain the written certification. Failure to ensure that employees receive adequate training and are current in the training is sufficient cause for the suspension of any or all components of the OIL AND GAS operations on the well. A suspension shall continue as provided in R 324.1014(2).

R 324.1122 Vessels used for storing hydrogen sulfide-bearing liquid hydrocarbons or hydrogen sulfide-bearing brine; equipment requirements.

Rule 1122. (1) A permittee of a well shall ensure that a vessel which is located at an H₂S well site or in a central production facility serving an H₂S well and ~~that~~ WHICH is used for the storage of hydrogen sulfide-bearing liquid hydrocarbons or hydrogen sulfide-bearing brine is equipped with a sealing, pressure-vacuum-type hatch, except that a pressure-vacuum-type hatch is not required on a storage vessel if the venting of vapor to the atmosphere is permitted under subrule (4) of this rule. A hatch shall be kept closed when a tank is not being gauged.

(2) If a storage vessel described in subrule (1) of this rule releases a total 24-hour volume of 5 mcf or more of vapors, then a permittee of a well shall ensure that the vessel is equipped with a vent line for conveying released gasses and vapors to an incinerator, flare, or vapor recovery system. A flashback prevention system shall be installed on the line between a vessel and the incinerator or flare. If a vapor recovery system is used to control tank vapor emissions, then a flare or incinerator shall be available for standby or emergency use. Installing a vapor recovery system does not exempt a flare or incinerator from being in compliance with the requirements of R 324.1123.

(3) If a storage vessel described in subrule (1) of this rule releases a total daily volume of 5 mcf or more of vapors, then a permittee of a well shall install a fence around the vessel equipped with a gate. A fence shall be located not less than 20 feet from the base of a storage vessel. A permittee shall ensure that warning signs with the word "Danger" or "Caution" followed by the words "Poison Gas" are installed on all sides of the fence. If

the supervisor or authorized representative of the supervisor finds that a threat to the public safety exists due to emissions of sulfur-bearing gas or vapor, then fencing other than that specified in R324.102(⊕)(p) may be required.

(4) If a storage vessel described in subrule (1) of this rule releases a total daily volume of 5 mcf or less of vapor, then it may be vented to the atmosphere if the vent is located not less than 10 feet above the tank top and if the opening of the vent is within the diked area or not less than 20 feet above the ground if the opening of the vent is outside the diked area. The supervisor may prohibit venting of vapor to the atmosphere if a verified chronic nuisance odor results from the sulfur-bearing compounds being vented.

(5) If the hydrogen sulfide concentration at the tank thief hatch is more than 500 ppm by volume, then a permittee of a well shall ensure that a tank has a latched gate at the foot of the catwalk stairs. A permittee of a well shall ensure that a sign reading “Self-contained Breathing Apparatus is Recommended Beyond This Point if Hatches are to be Opened” is posted on the gate.

(6) The supervisor may require the use of a tank gauging system that does not require the opening of the tank hatches if a verified chronic nuisance odor results from tank gauging.

(7) A person or a permittee of a well shall not install a tank which is used for the storage of hydrogen sulfide-bearing liquid hydrocarbons or brine from an H₂S well if the separator or treater immediately upstream of the tank has an operating pressure ~~in excess of~~ MORE THAN 250 psig unless an independent registered engineer certifies that the facility is designed and constructed such that any release of liquids or gas to the tank shall not cause a release of hydrogen sulfide to the atmosphere.

R 324.1123 Incinerators and flares; equipment and design requirements; additional requirements.

Rule 1123. (1) A permittee of a well shall ensure that an incinerator or flare installed ~~pursuant to~~ UNDER R 324.1117, R 324.1122, or R 324.1124 is designed and equipped to prevent the release of unburned gas to the atmosphere. If the daily volume of gas handled by the incinerator or flare contains 28 pounds or more of hydrogen sulfide, then a permittee shall ensure that the incinerator or flare is equipped with a mechanism that operates upon failure of the pilot light to shut off the flow of fluid from the wellhead.

(2) A permittee of a well shall ensure that an incinerator or flare required by R 324.1122 is fenced. A fence shall be located not less than 20 feet from the base of the incinerator or flare. A permittee of a well shall ensure that warning signs that have the word “Danger” or “Caution” followed by the words “Poison Gas” are posted on all sides of the fence. If the supervisor or authorized representative of the supervisor finds that a threat to the public safety still exists due to emissions of the incinerator or flare, then fencing other than that specified in R 324.102(⊕)(p) may be required.

(3) If the supervisor or authorized representative of the supervisor finds that a threat to the public health or safety exists due to the emission of sulfur-bearing gasses or vapors, then a flare stack or incinerator stack that is more than 20 feet high, as specified in R 324.1101(f) and (h), may be required.

PART 13. ENFORCEMENT

R 324.1301 Authority of supervisor.

Rule 1301. The supervisor, under section 61506 of the act, may do any of the following:

(a) Enforce all rules, issue orders, determinations, and instructions necessary to enforce the rules and regulations, and do whatever may be necessary with respect to the subject matter stated in these rules to carry out the purposes of these rules and the act, whether or not the orders, determinations, or instructions are indicated, specified, or enumerated in the act or rules.

- (b) Order the suspension of any or all components of the OIL AND GAS operationS when a violation exists. The suspension time shall continue until a correction is made and a violation no longer exists ~~pursuant to~~ UNDER section 61516 of the act. The supervisor may also prohibit the purchaser from taking oil, gas, or brine from the lease during the required suspension time.
- (c) Order a well plugged for a continuing violation of the act or these rules.

NOTICE OF PUBLIC HEARING

ORR # 2001-075

DEPARTMENT OF ENVIRONMENTAL QUALITY

GEOLOGICAL SURVEY DIVISION

OIL AND GAS OPERATIONS

The Michigan Department of Environmental Quality (DEQ), Geological Survey Division (GSD), will conduct a public hearing on proposed administrative rules promulgated pursuant to Part 615, Supervisor of Wells, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); R 324.102, R 324.103, R 324.202, R 324.203, R 324.207, R 324.210, R 324.211, R 324.213, R 324.501, R 324.504, R 324.511, R 324.1014, R 324.1107, R 324.1122, R 324.1123, and R 324.1301. These rules add definitions for oil and gas operations, operation of oil and gas wells, drilling operations, and plugging operations, which are currently not defined in Part 615 or its administrative rules. The addition of the proposed definitions and the inclusion of the terms into specific administrative rules will clarify the activities that are under the jurisdiction of the Supervisor of Wells pursuant to Part 615.

The public hearing will be held on August 22, 2002, at 10 a.m., in the ConCon Conference Room, Atrium Level, South Tower, Constitution Hall, 525 West Allegan, Lansing, Michigan.

Copies of the proposed rules (ORR No. 2001-075EQ) can be downloaded from the Internet through the Office of Regulatory Reform at <http://www.michigan.gov/orr>. Copies of the rules may also be obtained by contacting the Lansing office at:

Geological Survey Division
Michigan Department of Environmental Quality
P.O. Box 30256
Lansing, Michigan 48909-7756
Phone: 517-241-1515
Fax: 517-241-1595

All interested persons are invited to attend and present their views. It is requested that all statements be submitted in writing for the hearing record. Anyone unable to attend may submit comments in writing to the address above. Written comments must be received by September 4, 2002.

Persons needing accommodations for effective participation in the meeting should contact the Geological Survey Division at 517-241-1552 one week in advance to request mobility, visual, hearing, or other assistance.

This notice of public hearing is given in accordance with Sections 41 and 42 of Michigan's Administrative Procedures Act, 1969 PA 306, as amended, being Sections 24.241 and 24.242 of the Michigan Compiled Laws. Administration of the rules is by authority conferred on the Director of the DEQ by Act 451 and Executive Order 1995-18. These rules will become effective seven days after filing with the Secretary of State.

Harold R. Fitch, Chief
Geological Survey Division

PROPOSED ADMINISTRATIVE RULES

ORR # 2001-080

DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL ASSISTANCE DIVISION

SEWERAGE SYSTEMS

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State.

(By authority conferred on the department of environmental quality by section 4104 of Act No. 451 of the Public Acts of 1994, as amended, section 33 of Act No. 306 of the Public Acts of 1969, as amended, and Executive Reorganization Order Nos. 1973-2 and 1973-2a, being SS324.4104, 24.233, and 299.111 of the Michigan Compiled Laws, respectively)

R 299.2903 to R 299.2924, R 299.2926, and R 299.2927 of the Michigan Administrative Code, are amended and R 299.2925 is added to the Code, to read as follows:

PART 1. GENERAL PROVISIONS

R 299.2903 Definitions.

Rule 3. As used in these rules:

- (a) "Act" means 1994 PA 451, MCL 324.101 et seq.
- (b) "Board" means the board of ~~examiners~~ CERTIFICATION established AUTHORIZED by R 299.2916.
- (C) "CERTIFICATE" MEANS A DOCUMENT THAT IS ISSUED BY THE DEPARTMENT TO A PERSON WHO MEETS SPECIFIC QUALIFICATION REQUIREMENTS SPECIFIED IN THESE RULES, QUALIFYING THE PERSON AS A CERTIFIED OPERATOR.
- ~~(e)~~ (D) "Department" means the director of the department of environmental quality or his or her designee.
- ~~(d)~~ (E) "Division" means the ~~surface water quality~~ APPROPRIATE division OF THE DEPARTMENT AS DELEGATED BY THE DIRECTOR.
- ~~(e)~~ (F) "Governmental agency" means a city, village, township, county, metropolitan district, other unit of government, or officers of the entities specified in this subdivision.
- ~~(f)~~ (G) "Operator" means an individual who works in a treatment facility and who has some responsibility for the operation of the facility.
- ~~(g)~~ (H) "Person" means an individual, partnership, association, corporation, or any governmentAL agency.
- (I) "RENEWAL CYCLE" MEANS THE PERIOD OF TIME FROM THE ISSUANCE DATE TO THE EXPIRATION DATE STATED ON A CERTIFICATE OR A REPLACEMENT CERTIFICATE.
- (J) "REPLACEMENT CERTIFICATE" MEANS A CERTIFICATE ISSUED TO AN INDIVIDUAL WHO HOLDS A VALID CERTIFICATE ISSUED BEFORE THE EFFECTIVE DATE OF THESE AMENDATORY RULES.

- (H) (K) "Sewerage system" means A sewer systems and treatment facilities FACILITY that are USED required to collect, transport, and treat domestic and industrial wastes.
- (I) (L) "Sewer system" means the pipes, channels, conduits, manholes, pumping stations, and appurtenances, collectively or severally, actually used or intended for use by the public for the purpose of collecting, conveying, or transporting domestic and industrial wastes to a treatment facility.
- (J) (M) "Superintendent" means an individual who is in charge of and responsible for the operation of a treatment facility and in whom is vested the authority and responsibility for the establishment and execution of specific practices and procedures controlling the operations of the treatment facility in accordance with the policies of the owner of the facility and the department.
- (K) (N) "Treatment facility" means ~~a sewage or waste treatment works~~, structures, equipment, and appurtenances, collectively or severally, actually used or intended for use by the public for the purpose of treating or otherwise handling domestic and industrial wastes.
- (O) "TREATMENT WORKS" MEANS A TREATMENT FACILITY.

R 299.2905 Rescission.

Rule 5. The following rules are rescinded:

- (a) R 325.461
- (b) R 325.1121 to R 325.1128

PART 2. TREATMENT FACILITY CLASSIFICATION AND OPERATOR CERTIFICATION

R 299.2911 INITIAL treatment facility classification.

Rule 11. (1) EXCEPT AS PROVIDED FOR IN SUBRULES (3) AND (4) OF THIS RULE, treatment facilities shall be classified by the ~~director of the~~ department into 4 classes, designated as class A, B, C, ~~and~~ OR D, WITH CLASS A BEING THE HIGHEST. The classifications shall be based on population served, the type of treatment facility, the character and volume of wastes to be treated, and the use and nature of the waters of the state receiving the effluent thereof. Treatment facilities ~~in any size group~~ CLASSIFIED ACCORDING TO THE POPULATION CRITERIA IN SUBRULE (2) OF THIS RULE may be placed in a higher classification by the ~~director~~ DEPARTMENT, by reason of the incorporation in the treatment facility of special features of design, or characteristics more difficult to operate than usual, or by reasons of a particularly difficult type of sewage or by reason of particular stream conditions or combinations thereof.

~~(2) A special classification may be designated for all treatment facilities utilizing the waste stabilization lagoon process and which do not include special mechanical devices such as aerators, chemical precipitation, disinfection, or other factors.~~

~~(3)~~ (2) One of the following MINIMUM classifications shall be assigned to each treatment facility THAT serves the public:

- (a) Class A, treatment facilities serving or designed to serve a population ~~in excess~~ of 50,000 OR MORE persons.
- (b) Class B, treatment facilities serving or designed to serve a population ~~between~~ OF 10,000 OR MORE, BUT LESS THAN ~~and~~ 50,000, persons.
- (c) Class C, treatment facilities serving or designed to serve a population ~~between~~ OF 2,000 OR MORE, BUT LESS THAN ~~and~~ 10,000, persons.
- (d) Class D, treatment facilities serving or designed to serve a population of less than 2,000 persons.

(3) TREATMENT FACILITIES UTILIZING THE WASTE STABILIZATION LAGOON PROCESS SHALL BE CLASSIFIED BY THE DEPARTMENT INTO ONE OF THE 2 FOLLOWING CLASSES, DESIGNATED AS CLASS L2 AND L1:

(e) (A) CLASS L2, TREATMENT FACILITIES UTILIZING THE WASTE STABILIZATION LAGOON PROCESS WHICH INCLUDE SPECIAL MECHANICAL DEVICES SUCH AS AERATORS, CHEMICAL PRECIPITATION, DISINFECTION, OR OTHER FACTORS. CLASS L2 SHALL BE CONSIDERED A HIGHER CLASSIFICATION THAN CLASS L1.

(B) CLASS L1, TREATMENT FACILITIES UTILIZING THE WASTE STABILIZATION LAGOON PROCESS WHICH DO NOT INCLUDE SPECIAL MECHANICAL DEVICES SUCH AS AERATORS, CHEMICAL PRECIPITATION, DISINFECTION, OR OTHER FACTORS.

(4) TREATMENT FACILITIES THAT REQUIRE MINIMAL OPERATION AND CONTROL, AND SERVE A POPULATION OF LESS THAN 1000 PERSONS MAY BE CLASSIFIED BY THE DEPARTMENT AS A SPECIAL CLASSIFICATION, DESIGNATED AS CLASS SC. SUCH TREATMENT FACILITIES INCLUDE, BUT ARE NOT LIMITED TO, SEPTIC TANK AND TILE FIELD SYSTEMS, AND RECIRCULATING SAND FILTERS.

R 299.2912. Treatment facility classification changes.

Rule 12. (1) When ~~the director determines that~~ 1 or more of the conditions described by subrule (2) OF THIS RULE exist or are imminent, ~~he~~ THE DEPARTMENT may change the classification of a treatment facility after notice and opportunity for hearing on ~~his~~ THE proposed action ~~at least~~ NOT LESS THAN 60 days ~~prior to~~ BEFORE the classification change. Hearings conducted BY THE DEPARTMENT pursuant to this subrule shall be undertaken according to hearing procedures prescribed by part 5.

(2) The ~~director~~ DEPARTMENT may ~~make a~~ CHANGE THE classification ~~change~~ of a treatment facility upon ~~his finding that any of the following or any combination is occurring~~ HAS OCCURRED or ~~may be~~ IS expected to occur within 60 days:

(a) The population being served by the treatment facility has changed.

(b) There has been incorporated within the treatment facility special features of design or characteristics which render the treatment facility more difficult to operate.

(c) Certain wastes are being treated within the treatment facility which require special treatment facility design or operation procedures.

(d) Conditions of flow or use of the receiving waters require an unusually high degree of treatment facility operational control.

R 299.2916. Board of ~~examiners~~ CERTIFICATION; appointments.

Rule 16. The ~~director~~ DEPARTMENT shall appoint a board of ~~examiners~~ CERTIFICATION which shall consist of 5 members, of whom 1 shall be a class A certified operator ~~of a treatment facility~~, 1 shall be a qualified engineer registered in the state knowledgeable in the operation and maintenance of treatment works, 1 shall be a staff member of the ~~division~~ DEPARTMENT, 1 shall be a municipal official, and 1 shall be a member at large. ~~Of the members first appointed, 1 shall be appointed for a term of 1 year, 2 for terms of 2 years, and 2 for terms of 3 years. After the initial appointments, each member shall be appointed for a term of 3 years. Vacancies on the board shall be appointed in the same manner as original appointments.~~ AS THE TERM OF A MEMBER OF THE BOARD OF CERTIFICATION EXPIRES, THE DEPARTMENT SHALL APPOINT A MEMBER TO THE VACANCY FOR A 3-YEAR TERM. THE DEPARTMENT MAY APPOINT A MEMBER TO A SHORTER TERM WHEN FILLING A VACANCY CREATED WHEN A MEMBER VACATES THE POSITION BEFORE THE END OF THE TERM.

R 299.2917 Board of ~~examiners~~ CERTIFICATION; duties and responsibilities.

Rule 17. (1) THE BOARD SHALL ADVISE THE DEPARTMENT IN THE EXAMINATION OF PERSONS APPLYING FOR CERTIFICATION, AS SET FORTH IN R 299.2918(1). The board shall meet at least twice each year at such times and places as it may designate. ~~It shall examine all persons making application for certification who meet the minimum requirements prescribed by R 299.2918. The board shall schedule at least 1 examination per year and shall make public the date for examinations at least 90 days prior to the date set for examination.~~ THE BOARD SHALL DO ALL OF THE FOLLOWING:

~~(2) It shall:~~

(A) ADVISE THE DEPARTMENT WHEN IT CONSIDERS ADDITIONAL EDUCATION OR EXPERIENCE AS ADEQUATE SUBSTITUTION FOR OTHER REQUIREMENTS, AS SET FORTH IN R 299.2918(2).

(B) ADVISE THE DEPARTMENT IN EVALUATING APPLICATIONS FOR EXAMINATIONS, AS SET FORTH IN R 299.2920(2).

(C) REVIEW AND PROVIDE COMMENT TO THE DEPARTMENT ON THE SUBSTANCE OF THE EXAMINATIONS, AS SET FORTH IN R 299.2922(1).

(D) PROVIDE RECOMMENDATIONS TO THE DEPARTMENT ON THE ISSUANCE OR DENIAL OF CERTIFICATES FOLLOWING THE EXAMINATION PROCESS, AS SET FORTH IN R 299.2924(1).

(E) PROVIDE RECOMMENDATIONS TO THE DEPARTMENT ON THE ISSUANCE OR DENIAL OF A CERTIFICATE OR A TEMPORARY CERTIFICATE FOLLOWING THE EVALUATION OF CERTIFICATION RECEIVED FROM ANOTHER STATE, TERRITORY, OR POSSESSION OF THE UNITED STATES, OR ANY COUNTRY AS SET FORTH IN R 299.2924(2) AND (3).

(F) EVALUATE AND APPROVE OR DISAPPROVE CONTINUING EDUCATION TRAINING COURSES, DECIDE THEIR HOUR VALUE, AND CATEGORIZE THEM, AS SET FORTH IN R 299.2925(5).

(G) COMMENT TO THE DEPARTMENT REGARDING THE SUSPENSION OR REVOCATION OF A PERSON'S CERTIFICATE, AS SET FORTH IN R 299.2926.

~~(2) As a result of the examination and application, the board shall recommend to the director the issuance or nonissuance of an operator certificate in the proper classification to the applicant.~~

~~(3)~~ (2) Members of the board shall not be compensated, but shall be entitled to all actual and necessary expenses in the performance of their official duties according to the rates established by the latest edition of the standard travel regulations of the state.

~~(4)~~ (3) THREE MEMBERS OF THE BOARD CONSTITUTE A QUORUM.

R 299.2918 Operator certification; minimum requirements.

Rule 18. (1) Certification shall require written examination conducted by the ~~board~~ DEPARTMENT, WITH THE ADVICE OF THE BOARD, according to 1 or more of the following classifications based upon minimum education and experience qualifications: ~~and successful fulfillment of the requirements of each lower certification level:~~

~~(a) Class A. A college degree with sufficient engineering or allied subjects to understand the mechanics, electronics, and hydraulics of a complex treatment facility and 4 years of acceptable operation experience in a class B or higher treatment facility, 2 years of which shall have been in a supervisory position or a position of major operational responsibility; or completion of 2 years of a standard college curriculum in engineering or allied field with sufficient subjects to understand the mechanics, electronics, and hydraulics of a complex~~

~~treatment facility and 6 years of acceptable operation experience in a class B or higher treatment facility, 2 years of which shall have been in a supervisory position or a position of major operational responsibility.~~

~~(b) Class B. Completion of 1 year of college or its equivalent with sufficient subjects to aid in the understanding of the mechanics, electronics, and hydraulics of a treatment facility, and 4 years of experience of acceptable operation in a treatment facility of class C or higher, 2 years of which shall have been in a supervisory position or a position of major operational responsibility.~~

~~(c) Class C. Completion of high school or its equivalent and 2 years of experience of acceptable operation in a treatment facility.~~

~~(d) Class D. Completion of high school or its equivalent and 1 year of experience of acceptable operation in a treatment facility.~~

~~(e) Class L. Completion of high school or its equivalent and 1 year of experience in the operation of a waste stabilization lagoon system.~~

(a) CLASS A. TO BE ELIGIBLE TO WRITE THE EXAMINATION FOR A CLASS A CERTIFICATE, THE APPLICANT SHALL SATISFY ALL OF THE REQUIREMENTS IN EITHER PARAGRAPH (i) OR (ii) OF THIS SUBDIVISION, AS FOLLOWS:

(i) THE APPLICANT SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS:

(A) POSSESS A COLLEGE DEGREE WITH SUFFICIENT ENGINEERING OR ALLIED SUBJECTS TO UNDERSTAND THE MECHANICS, ELECTRONICS, AND HYDRAULICS OF A COMPLEX TREATMENT FACILITY.

(B) POSSESS A CLASS B CERTIFICATE.

(C) HAVE 4 YEARS OF ACCEPTABLE EXPERIENCE IN THE OPERATION OF A CLASS B OR HIGHER TREATMENT FACILITY, 2 YEARS OF WHICH SHALL HAVE BEEN IN A SUPERVISORY POSITION OR A POSITION OF MAJOR OPERATIONAL RESPONSIBILITY.

(ii) THE APPLICANT SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS:

(A) HAVE COMPLETED 2 YEARS OF A STANDARD COLLEGE CURRICULUM IN ENGINEERING OR ALLIED FIELD WITH SUFFICIENT SUBJECTS TO UNDERSTAND THE MECHANICS, ELECTRONICS, AND HYDRAULICS OF A COMPLEX TREATMENT FACILITY.

(B) POSSESS A CLASS B CERTIFICATE.

(C) HAVE 6 YEARS OF ACCEPTABLE EXPERIENCE IN THE OPERATION OF A CLASS B OR HIGHER TREATMENT FACILITY, 2 YEARS OF WHICH SHALL HAVE BEEN IN A SUPERVISORY POSITION OR A POSITION OF MAJOR OPERATIONAL RESPONSIBILITY.

(b) CLASS B. TO BE ELIGIBLE TO WRITE THE EXAMINATION FOR A CLASS B CERTIFICATE, THE APPLICANT SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS:

(i) HAVE COMPLETED 1 YEAR OF COLLEGE OR ITS EQUIVALENT WITH SUFFICIENT SUBJECTS TO AID IN THE UNDERSTANDING OF THE MECHANICS, ELECTRONICS, AND HYDRAULICS OF A TREATMENT FACILITY.

(ii) POSSESS A CLASS C CERTIFICATE.

(iii) HAVE 4 YEARS OF ACCEPTABLE EXPERIENCE IN THE OPERATION OF A TREATMENT FACILITY OF CLASS C OR HIGHER, 2 YEARS OF WHICH SHALL HAVE BEEN IN A SUPERVISORY POSITION OR A POSITION OF MAJOR OPERATIONAL RESPONSIBILITY.

(c) CLASS C. TO BE ELIGIBLE TO WRITE THE EXAMINATION FOR A CLASS C CERTIFICATE, THE APPLICANT SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS:

(i) HAVE COMPLETED HIGH SCHOOL OR ITS EQUIVALENT.

(ii) POSSESS A CLASS D CERTIFICATE.

- (iii) HAVE 2 YEARS OF ACCEPTABLE EXPERIENCE IN THE OPERATION OF A CLASS D OR HIGHER TREATMENT FACILITY.
- (d) CLASS D. TO BE ELIGIBLE TO WRITE THE EXAMINATION FOR A CLASS D CERTIFICATE, THE APPLICANT SHALL COMPLY WITH BOTH OF THE FOLLOWING REQUIREMENTS:
 - (i) HAVE COMPLETED HIGH SCHOOL OR ITS EQUIVALENT.
 - (ii) HAVE 1 YEAR OF ACCEPTABLE EXPERIENCE IN THE OPERATION OF A TREATMENT FACILITY.
- (e) CLASS L2. TO BE ELIGIBLE TO WRITE THE EXAMINATION FOR A CLASS L2 CERTIFICATE, THE APPLICANT SHALL COMPLY WITH BOTH OF THE FOLLOWING REQUIREMENTS:
 - (i) HAVE COMPLETED HIGH SCHOOL OR ITS EQUIVALENT.
 - (ii) HAVE 1 YEAR OF ACCEPTABLE EXPERIENCE IN THE OPERATION OF A CLASS L2 LAGOON SYSTEM.
- (f) CLASS L1. TO BE ELIGIBLE TO WRITE THE EXAMINATION FOR A CLASS L1 CERTIFICATE, THE APPLICANT SHALL COMPLY WITH BOTH OF THE FOLLOWING REQUIREMENTS:
 - (i) HAVE COMPLETED HIGH SCHOOL OR ITS EQUIVALENT.
 - (ii) HAVE COMPLETED 1 YEAR OF ACCEPTABLE EXPERIENCE IN THE OPERATION OF A CLASS L1 OR CLASS L2 LAGOON SYSTEM.
- (g) CLASS SC. TO BE ELIGIBLE TO WRITE THE EXAMINATION FOR A CLASS SC CERTIFICATE, THE APPLICANT SHALL COMPLY WITH BOTH OF THE FOLLOWING REQUIREMENTS:
 - (i) HAVE COMPLETED HIGH SCHOOL OR ITS EQUIVALENT.
 - (ii) HAVE COMPLETED 1 YEAR OF ACCEPTABLE EXPERIENCE IN THE OPERATION OF A CLASS SC TYPE FACILITY.
- (2) Additional education or experience of an applicant may be substituted by the ~~board~~ DEPARTMENT, WITH THE ADVICE OF THE BOARD, for meeting the minimum qualifications prescribed in subrule (1) OF THIS RULE.

R 299.2920 Application for examination.

Rule 20. (1) THE DEPARTMENT SHALL SCHEDULE AT LEAST 1 EXAMINATION PER YEAR. THE DEPARTMENT SHALL MAKE PUBLIC THE DATES FOR EXAMINATIONS NOT LESS THAN 90 DAYS BEFORE THE DATES SET FOR THE EXAMINATIONS.

~~(1)~~ (2) An individual desiring to be certified ~~and classified for operation~~ TO BE IN CHARGE OF AND RESPONSIBLE FOR THE OPERATION of a treatment facility shall file with the department, ~~at least~~ NOT LESS THAN 45 days before an examination date announced by the ~~board~~ DEPARTMENT, an application for examination and certification on a form prepared and provided by the department. The information contained on the application shall be evaluated by the ~~board~~ DEPARTMENT and THE INFORMATION shall constitute a part of the examination.

~~(2)~~ (3) The ~~board~~ DEPARTMENT shall notify the applicants of their acceptance for examination and the time and place of the examination ~~at least~~ NOT LESS THAN ~~30~~ 15 days before the date of examination. ~~If an applicant has submitted more than 1 application, the board shall attempt to schedule examinations for that applicant as conveniently as possible for the applicant.~~

R 299.2922 Examination procedures.

Rule 22. (1) Examinations for operator certification shall be prepared by the ~~board~~ DEPARTMENT, TAKING INTO ACCOUNT BOARD REVIEW AND COMMENT. ~~or by others designated by the board, and~~ THE EXAMINATIONS shall include, but not be limited to, the following 4-3 parts:

- (a) An evaluation of the educational qualifications of the applicant.
 - (b) An evaluation of the experience qualifications of the applicant.
 - ~~(c) An evaluation of the personal characteristics of the applicant.~~
 - ~~(d)~~ (C) A written appraisal EXAMINATION ~~of~~ ON the general subject of treatment facility operation in any or all of its phases.
- (2) An applicant shall not be admitted to the written examination unless he OR SHE meets the minimum requirements prescribed in R 299.2918.
- (3) Separate examinations for each class shall be prepared by the ~~board~~ DEPARTMENT to encompass basic differences in the duties and responsibilities of operators, types of treatment facilities, variations in wastewater quality, conditions of receiving waters, and such other factors as the ~~board~~ DEPARTMENT determines.
- ~~(4) Applicants previously admitted to examinations for certification under the provisions of previous rules shall not be denied admission for the same class of examination because of these rules.~~

R 299.2923 Examinations; grading; recommendations and notification; REPEATING EXAM.

Rule 23. (1) The minimum passing grade for the written examination is 70%.

- ~~(2) Upon completion of examination, the board~~ THE DEPARTMENT or others designated by it shall grade each examination promptly and, within 60 days after the date of examination, notify the director in writing of the results of each examination.
- ~~(3) At the time of notification of the director of the results of the examination, the board shall recommend to the director the issuance or nonissuance of a certificate of operator classification for each applicant.~~ The results of the EACH APPLICANT'S examination and the recommendation of the board shall be mailed to each THAT applicant by the department WITHIN 60 DAYS AFTER THE DATE OF THE WRITTEN EXAMINATION.
- (4) Applicants who fail to pass an A WRITTEN examination may repeat the examination at any subsequent, regularly scheduled examination ~~of the board~~ by submitting an application as prescribed by R 299.2920.

R 299.2924 Operator certificates; issuance.

Rule 24. (1) ~~Within 30 days after receipt of examination results and the recommendations of the board, the director shall issue certificate(s) to each applicant who has been recommended by the board for certification.~~ FOLLOWING EXAMINATION, THE DEPARTMENT SHALL ISSUE OR DENY A CERTIFICATE FOR EACH APPLICANT, TAKING INTO ACCOUNT THE RECOMMENDATION OF THE BOARD. ~~The EACH certificate shall indicate the class of operator as prescribed by R299.2918 and the class of treatment facility OR FACILITIES in FOR which the certified operator is entitled to be in~~ ASSUME responsible charge.

(2) AN OPERATOR IN ANOTHER STATE, A TERRITORY OR POSSESSION OF THE UNITED STATES, OR ANOTHER COUNTRY WHO HOLDS AN OPERATOR CERTIFICATE MAY APPLY FOR RECIPROCITY IN OBTAINING A CERTIFICATE UNDER THIS PART. WHEN AN APPLICATION FOR RECIPROCITY IS RECEIVED, THE DEPARTMENT MAY DO EITHER OF THE FOLLOWING:

(A) ISSUE A CERTIFICATE IN A COMPARABLE CLASSIFICATION WITHOUT EXAMINATION, IF THE REQUIREMENTS FOR CERTIFICATION OF OPERATORS UNDER WHICH THE

CERTIFICATE WAS ISSUED ARE COMPARABLE TO THE REQUIREMENTS PRESCRIBED BY THIS PART.

(B) ISSUE A TEMPORARY CERTIFICATE IN A COMPARABLE CLASSIFICATION WITHOUT EXAMINATION WHICH SHALL EXPIRE AT SUCH TIME AS THE INDIVIDUAL HAS AN OPPORTUNITY TO OBTAIN THE RESULTS FROM TAKING THE NEXT AVAILABLE EQUIVALENT MICHIGAN CERTIFICATION EXAMINATION, BUT SHALL NOT BE FOR MORE THAN 18 MONTHS. IF THE INDIVIDUAL FAILS THE EQUIVALENT MICHIGAN CERTIFICATION EXAM, HE OR SHE IS NOT ELIGIBLE FOR ANY ADDITIONAL TEMPORARY CERTIFICATION.

(3) A CERTIFICATE, OTHER THAN THE REPLACEMENT CERTIFICATE, SHALL BE ISSUED FOR A PERIOD OF NOT LESS THAN 36, NOR MORE THAN 39, MONTHS. A CERTIFICATE THAT IS NOT RENEWED SHALL EXPIRE.

R 299.2925 REPLACEMENT CERTIFICATES; RENEWAL REQUIREMENTS; EXPIRATION; REINSTATEMENT.

RULE 25. (1) ALL CERTIFICATES ISSUED BEFORE THE EFFECTIVE DATE OF THESE AMENDATORY RULES EXPIRE 1 YEAR AFTER THE EFFECTIVE DATE OF THESE AMENDATORY RULES.

(2) AN INDIVIDUAL WHO HAS BEEN ISSUED A CERTIFICATE BEFORE THE EFFECTIVE DATE OF THESE AMENDATORY RULES PURSUANT TO THE PROVISIONS OF SECTION 4104 OF THE ACT; AND WHO SUBMITS TO THE DEPARTMENT, WITHIN 10 MONTHS AFTER THE EFFECTIVE DATE OF THESE AMENDATORY RULES, A COMPLETED APPLICATION ON A FORM PROVIDED BY THE DEPARTMENT, SHALL BE ISSUED A REPLACEMENT CERTIFICATE AT HIS OR HER CURRENT CLASSIFICATION BY THE DEPARTMENT. A REPLACEMENT CERTIFICATE MAY BE ISSUED FOR A TERM OF NOT LESS THAN 3, NOR MORE THAN 4 ½, YEARS.

(3) TO RENEW A CERTIFICATE, A CERTIFIED OPERATOR SHALL SUBMIT TO THE DEPARTMENT AN APPLICATION FOR RENEWAL ON A FORM PROVIDED BY THE DEPARTMENT.

(4) A CERTIFIED OPERATOR SHALL BE RESPONSIBLE FOR MAKING APPLICATION TO RENEW A CERTIFICATE REGARDLESS OF LACK OF NOTIFICATION BY THE DEPARTMENT.

(5) THE BOARD SHALL EVALUATE AND EITHER APPROVE OR DISAPPROVE CONTINUING EDUCATION TRAINING AND DETERMINE THE CONTINUING EDUCATION TRAINING HOUR VALUE. ALL CONTINUING EDUCATION TRAINING APPROVED BY THE BOARD SHALL RELATE TO THE DUTIES, RESPONSIBILITIES, OPERATION, MAINTENANCE, OR SUPERVISION OF A SEWERAGE SYSTEM. THE BOARD SHALL CATEGORIZE ALL CONTINUING EDUCATION TRAINING AS TECHNICAL, MANAGERIAL, OR OTHER.

(6) TO RENEW AN A OR B CERTIFICATE, THE CERTIFIED OPERATOR SHALL HAVE COMPLETED, DURING THE RENEWAL CYCLE, NOT LESS THAN 24 HOURS OF BOARD-APPROVED CONTINUING EDUCATION TRAINING. NOT LESS THAN 6 HOURS OF THE TRAINING SHALL BE TECHNICAL TRAINING AND NOT LESS THAN 6 HOURS OF THE TRAINING SHALL BE MANAGERIAL TRAINING.

To RENEW a class C, D, L2, or L1 certificate renewed, THE certified OPERATOR shall have completed, during the renewal cycle, not less than 12 hours of board-approved continuing education training. FOR CLASS C CERTIFICATION RENEWAL, NO MORE THAN 6 HOURS OF TRAINING IN THE NON-

MANAGERIAL, NON-TECHNICAL CATEGORY MAY BE USED TO MEET THE CONTINUING EDUCATION REQUIREMENT.

(8) INDIVIDUALS HOLDING MORE THAN 1 CERTIFICATION NEED ONLY MEET THE HIGHER CONTINUING EDUCATION TRAINING REQUIREMENT OF THE CERTIFICATIONS HELD.

(9) TYPES OF CONTINUING EDUCATION TRAINING PROGRAMS THAT MAY BE APPROVED INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

PROGRAMS SPONSORED BY ANY OF THE FOLLOWING ENTITIES:

(i) GOVERNMENTAL AGENCIES.

(ii) PROFESSIONAL AND TRADE ORGANIZATIONS.

(B) HOME STUDY COURSES AND CORRESPONDENCE COURSES THAT HAVE INDEPENDENT VERIFICATION OF SUCCESSFUL COMPLETION.

(C) TECHNICAL COURSES CONDUCTED BY PRIVATE CONTRACTORS.

(D) UNIVERSITY, COLLEGE, AND COMMUNITY COLLEGE COURSES.

(E) TRAINING PROGRAMS SPONSORED BY THE DEPARTMENT AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY.

(F) TRAINING SPONSORED BY NATIONALLY RECOGNIZED ORGANIZATIONS.

(10) THE DEPARTMENT SHALL ISSUE RENEWAL CERTIFICATES TO CERTIFIED OPERATORS WHO VERIFY TO THE DEPARTMENT THAT THEY HAVE SUCCESSFULLY COMPLIED WITH THE CONTINUING EDUCATION TRAINING REQUIREMENTS.

(11) A CERTIFIED OPERATOR SHALL KEEP HIS OR HER OWN RECORD OF APPROVED CONTINUING EDUCATION TRAINING AND PRESENT PROOF OF THE TRAINING UPON APPLICATION FOR RENEWAL AND AT ANY TIME SUBSEQUENT TO BEING ISSUED A CERTIFICATE.

(12) A CERTIFIED OPERATOR WHO IS NOT ELIGIBLE FOR RENEWAL PURSUANT TO THE PROVISIONS OF THIS RULE MAY APPLY FOR EXAMINATION PURSUANT TO THE PROVISIONS OF R 299.2920.

(13) A CLASS A OR B CERTIFIED OPERATOR WHO HAS NOT MET THE CONTINUING EDUCATION TRAINING REQUIREMENTS OF SUBRULE (6) OF THIS RULE MAY REQUEST ISSUANCE OF A CLASS C OR D CERTIFICATE FOR WHICH THE REQUIREMENTS HAVE BEEN MET.

(14) A CERTIFIED OPERATOR WHOSE CERTIFICATE HAS EXPIRED MAY APPLY FOR EXAMINATION AT THE LEVEL EQUAL TO OR LESS THAN THE LEVEL OF THE VALID CERTIFICATE PREVIOUSLY HELD PURSUANT TO THE PROVISIONS OF R 299.2920.

(15) THE DEPARTMENT MAY REINSTATE AN EXPIRED CERTIFICATE WITHIN 1 YEAR FROM THE EXPIRATION DATE OF THE CERTIFICATE WHEN AN INDIVIDUAL HAS COMPLETED THE NECESSARY CONTINUING EDUCATION TRAINING REQUIREMENTS AS PRORATED FROM THE CERTIFICATE'S EXPIRATION DATE.

R 299.2926 Operator certificates; PROBATION, revocation, and suspension.

Rule 26. (1) FOLLOWING A REVIEW AND COMMENT BY THE BOARD, the ~~director~~ DEPARTMENT may PLACE ON PROBATION, suspend, or revoke the certificate of an CERTIFIED operator who, ~~after a hearing before the board,~~ is adjudged incompetent or unable to properly perform the duties of an CERTIFIED operator in his OR HER classification, or who has practiced fraud or falsification, or who has been negligent in the discharge of his OR HER duties or responsibilities. Notice of suspension or revocation shall be provided, BY THE DEPARTMENT, in writing to the CERTIFIED operator and the owner of the treatment facility.

(2) THE DEPARTMENT SHALL NOT ACCEPT AN APPLICATION FOR EXAMINATION DURING THE TIME PERIOD OF SUSPENSION FOR A CERTIFIED OPERATOR WHOSE CERTIFICATE HAS BEEN SUSPENDED.

(3) THE DEPARTMENT MAY RENEW A SUSPENDED CERTIFICATE IF THE APPLICANT MEETS ALL RENEWAL REQUIREMENTS. THE RENEWAL SHALL NOT AFFECT THE TERMS OF SUSPENSION.

(4) THE DEPARTMENT SHALL NOT ACCEPT AN APPLICATION FOR EXAMINATION FROM AN INDIVIDUAL WHO HAS HAD A CERTIFICATE REVOKED, FOR A PERIOD OF 5 YEARS FROM THE EFFECTIVE DATE OF THE REVOCATION OF THE CERTIFICATE. AFTER 5 YEARS, THE DEPARTMENT MAY ACCEPT AN APPLICATION SUBMITTED BY AN INDIVIDUAL WHO HAS HAD A CERTIFICATE REVOKED TO WRITE AN EXAMINATION AT THE LEVEL PREVIOUSLY HELD.

If R 299.2927 Appeals.

Rule 27. (1) A person who is aggrieved by any action ~~of the board~~ under these rules, or who wishes to appeal any other action ~~of the board~~ with respect to his or her certification, shall have an opportunity for a hearing before the department.

(2) A hearing conducted under this rule shall be conducted in accordance with R 299.2971 through R 299.2974.

NOTICE OF PUBLIC HEARING

ORR # 2001-080

DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL ASSISTANCE DIVISION

The Michigan Department of Environmental Quality (DEQ), Environmental Assistance Division (EAD), will conduct a public hearing on proposed administrative rules promulgated pursuant to Part 41, Sewerage Systems, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); R 299.2903 – 299.2927. These amendments will establish certificate renewal requirements for operators of municipal wastewater treatment facilities.

The public hearing will be held on August 28, 2002, at 1:30 p.m., in the Constitution Hall Atrium South, Conference Room A, 525 W. Allegan, Lansing, Michigan.

Copies of the proposed rules (ORR 2001-080EQ) can be downloaded from the Internet at: www.deq.state.mi.us/documents/deq-ead-otu-ww-proposedpart41rules.pdf. These rules can also be downloaded from the Internet through the Office of Regulatory Reform at <http://www.michigan.gov/orr>. Copies of the rules may also be obtained by contacting the Lansing office at:

Environmental Assistance Center
Environmental Assistance Division
Michigan Department of Environmental Quality
P.O. Box 30457
Lansing, Michigan 48909-7957
Phone: 1-800-662-9278
Fax: 517-241-0673

All interested persons are invited to attend and present their views. It is requested that all statements be submitted in writing for the hearing record. Anyone unable to attend may submit comments in writing to the address above. Written comments must be received by August 30, 2002.

Persons needing accommodations for effective participation in the meeting should contact the Environmental Assistance Division at 517-335-5540 one week in advance to request mobility, visual, hearing, or other assistance.

This notice of public hearing is given in accordance with Sections 41 and 42 of Michigan's Administrative Procedures Act, 1969 PA 306, as amended, being Sections 24.241 and 24.242 of the Michigan Compiled Laws. Administration of the rules is by authority conferred on the Director of the DEQ by Part 41 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended and Executive Order 1995-18. These rules will become effective seven days after filing with the Secretary of State.

Paul D. Zugger, Chief
Environmental Assistance Division

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-009

DEPARTMENT OF STATE POLICE

SPECIAL OPERATIONS DIVISION

UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES

Filed with the Secretary of State

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of state police by 1956 PA 62, MCL 257.951 et seq.)

R 28.1001, R 28.1101, R 28.1102, R 28.1103, R 28.1105, R 28.1118, R 28.1122, R 28.1123, R 28.1124, R 28.1125, R 28.1126, R 28.1127, R 28.1128, R 28.1136B, R 28.1137, R 28.1138, R 28.1139, R 28.1140, R 28.1141, R 28.1142, R 28.1144, R 28.1147, R 28.1148, R 28.1151, R 28.1153, R 28.1154, R 28.1155, R 28.1156, R 28.1157, R 28.1158, R 28.1201, R 28.1202, R 28.1203, R 28.1204, R 28.1211, R 28.1212, R 28.1304, R 28.1305, R 28.1313, R 28.1314, R 28.1320, R 28.1321, R 28.1322, R 28.1409a, R 28.1412, R 28.1413, R 28.1416c, R 28.1424, R 28.1434, R 28.1437, R 28.1438, R 28.1440, R 28.1446, R 28.1447, R 28.1448, R 28.1449, R 28.1452, R 28.1454, R 28.1455, R 28.1455a, R 28.1456, R 28.1458, R 28.1490a, R 28.1493, R 28.1498, R 28.1603, R 28.1607, R 28.1615, R 28.1617, R 28.1617a, R 28.1618, R 28.1701, R 28.1702, R 28.1703, R 28.1705, R 28.1706, R 28.1707, R 28.1708, R 28.1709, R 28.1710, R 28.1711, R 28.1713, R 28.1714, R 28.1715, R 28.1716, R 28.1801, R 28.1802, R 28.1803, R 28.1804, R 28.1806, R 28.1807, R 28.1809, R 28.1813, R 28.1814, R 28.1815, R 28.1818, R 28.1819, R 28.1820, R 28.1821, R 28.1822, R 28.1901, R 28.1902, R 28.1903, R 28.1904, and R 28.1905 of the Michigan Administrative code are amended and R 28.1104, R 28.1105a to R 28.1110i, R 28.1112 to R 28.1117d, R 28.1119 to R 28.1121, R 28.1129 to R 28.1136a, R 28.1143, R 28.1145 to R 28.1146, R 28.1149 to R 28.1150, R 28.1152, R 28.1202a, R 28.1205 to R 28.1210, R 28.1301 to R 28.1303, R 28.1304a, R 28.1306 to R 28.1312, R 28.1315 to R 28.1319, R 28.1401 to R 28.1409, R 28.1410 to R 28.1411, R 28.1414 to R 28.1415g, R 28.1416b, R 28.1417 to R 28.1423, R 28.1425 to R 28.1433, R 28. 1435 to R 28.1436a, R 28.1439 to R 28.1440a, R 28.1440c to R 28.1445, R 28.1450, R 28.1453, R 28.1455b, R 28.1457, R 28.1459 to R 28.1474, R 28.1476 to R 28.1477, R 28.1478 to R 28.1481, R 28.1485, R 28.1487 to R 28.1490, R 28.1491 to R 28.1492, R 28.1494 to R 28.1497, R 28.1498a to R 28.1499, R 28.1601 to R 28.1602, R 28.1604 to R 28.1606, R 28.1608 to R 28.1614, R 28.1616, R 28.1619 to R 28.1627, R 28.1703a, R 28.1712, R 28.1805, R 28.1808, R 28.1810 to R 28.1812, R 28.1816 to R 28.1817, R 28.1823 to R 28.1824, R 28.2001 to R 28.2075 of the code are rescinded as follows:

PART 1. WORDS AND PHRASES DEFINED

R 28.1001 RULE 1. Words and phrases.

- (1) AS USED IN THIS CODE: (A) "Act" means THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 ET SEQ. (B) "Alley" means a minor thoroughfare, opened to public use, for the purpose of ingress and egress to service adjacent buildings.
- (C) "Bicycle lane" means a portion of a street or highway THAT is adjacent to the roadway and THAT is established for the use of persons riding bicycles.
- (D) "Bicycle path" means a portion of a street or highway THAT is separated from the roadway by an open, unpaved space or by a barrier and THAT is established for the use of persons riding bicycles.
- (E) "Bus stand" or "bus stop" means a fixed area in the roadway, parallel and adjacent to the curb, to be occupied exclusively by buses for layover in operating schedules or by buses waiting for, loading, or unloading passengers.
- (F) "CLERK" MEANS THE PERSON WHO KEEPS THE RECORDS AND PERFORMS THE REGULAR BUSINESS OF A GOVERNMENTAL UNIT.
- (G) "Curb loading zone" means a space THAT is adjacent to a curb and THAT is reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.
- (H) "Freight curb loading zone" means a space THAT is adjacent to a curb and THAT is provided for the exclusive use of vehicles during the loading or unloading of freight.
- (I) "Governmental unit" OR "MUNICIPALITY" means an incorporated city, an incorporated village, OR a township.
- (J) "Official time standard" means THE hours named in this code ARE hours of standard time or daylight-saving time, whichever is in current use in this governmental unit.
- (K) "Parking meter zone" means an area THAT is adjacent to a parking meter and THAT is set aside for the exclusive use of vehicles upon the deposit of a coin of United States currency in the parking meter as specified ON THE METER.
- (L) "Passenger curb loading zone" means a place THAT is adjacent to a curb and THAT is reserved for the exclusive use of vehicles during the loading or unloading of passengers.
- (M) "Stand" or "standing" means the halting of a vehicle, other than for the purpose of, and while actually engaged in, receiving or discharging passengers.
- (N) "Stop," when required, means the complete cessation of movement.
- (O) "Stop" or "stopping," when prohibited, means the halting, even momentarily, of a vehicle, whether occupied or not. The terms do not apply to the halting of a vehicle THAT is necessary to avoid conflict with other traffic or THAT is in compliance with the directions of a police officer or traffic-control sign or signal.
- (P) "Taxicab" means a licensed public motor vehicle for hire THAT is designated and constructed to seat not more than 10 persons and THAT is operated as a common carrier on call or demand.
- (Q) "Taxicab stand" means a fixed area in the roadway THAT is set aside for taxicabs to stand or wait for passengers.
- (R) "Tow-away zone" means a zone where parking, stopping, or standing is not permitted, as indicated by proper signs, and where vehicles parked in violation of the signs are towed away to keep the roadway clear for traffic movement.
- (S) "U-turn" means a turn made on a roadway or in an intersection by a vehicle for the purpose of reversing its direction of travel.
- (2) IF ANY WORD OR PHRASE USED IN THIS CODE IS NOT DEFINED IN THIS CODE, BUT IS DEFINED IN THE ACT, PA 300, MCL 257.1 TO 257.923, THEN THE DEFINITION IN THE ACT SHALL APPLY TO THE WORDS AND PHRASES USED IN THIS CODE.

PART 2. TRAFFIC ADMINISTRATION AND AUTHORITY

R 28.1101 RULE 101. Police department; traffic duties.

It is the duty of the chief of police and the officers of the police department to enforce the street traffic regulations of this governmental unit and all state vehicle laws THAT are applicable to street traffic in this governmental unit, INCLUDING makING arrests for certain traffic violations, issuING citations for civil infractions, investigatING accidents, cooperatING with the city traffic engineer and other officials of this governmental unit in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and carryING out those duties specially imposed by this code and other traffic ordinances of this governmental unit.

R 28.1102 RULE 102. Authority of police directing traffic.

Officers of the police department or those officers that are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws. However, in case of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police department may direct traffic as conditions require, notwithstanding the provisions of the traffic laws.

R 28.1103 RULE 103. Authority of firemen directing traffic.

Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic at the scene of the fire or in the immediate vicinity.

R 28.1104 Rescinded.

R 28.1105 RULE 105. Impounding of vehicles; authority; procedure; public sale.

(1) NOTWITHSTANDING SECTION 252D OF THE ACT, A police agency may PROVIDE FOR THE IMMEDIATE REMOVAL OF a vehicle from public property or any other place open to travel by the public and impound the vehicle in any of the following circumstances:

(A) When a vehicle is left unattended on a bridge, viaduct, causeway, subway, tube, or tunnel where the vehicle constitutes an obstruction to traffic.

(B) When a vehicle is found being driven on the streets or highways in an unsafe condition THAT endangers persons or property.

(C) When the driver of the vehicle is taken into custody by the police department and the vehicle would thereby be left unattended on the street.

(2) A POLICE AGENCY THAT AUTHORIZES THE REMOVAL OF A VEHICLE UNDER SUBRULE (1) OF THIS RULE SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 257D(2) TO (7) OF THE ACT.

R 28.1105a Rescinded.

R 28.1106 Rescinded.

R 28.1107 Rescinded.

R 28.1108 Rescinded.

R 28.1109 Rescinded.

R 28.1110 Rescinded.

R 28.1110a Rescinded.

R 28.1110b Rescinded.

R 28.1110c Rescinded.

R 28.1110d Rescinded.

R 28.1110e Rescinded.

R 28.1110f Rescinded.

R 28.1110g Rescinded.

R 28.1110h Rescinded.

R 28.1110i Rescinded.

R 28.1112 Rescinded.

R 28.1113 Rescinded.

R 28.1114 Rescinded.

R 28.1115 Rescinded.

R 28.1116 Rescinded.

R 28.1117 Rescinded.

R 28.1117a Rescinded.

R 28.1117b Rescinded.

R 28.1117c Rescinded.

R 28.1117d Rescinded.

R 28.1118 RULE 118. Records of traffic violations; warrants.

(1) The chief of police shall maintain, or cause to be maintained, a record of all warrants THAT are issued on traffic violation charges and THAT are delivered to the police department for service. The chief of police shall also maintain, or cause to be maintained, a record of the disposition of all THESE warrants.

(2) THIS RULE SHALL NOT APPLY TO MUNICIPALITIES IN WHICH THE RECORDS LISTED IN SUBRULE (1) OF THIS RULE ARE MAINTAINED BY ANOTHER AGENCY OR DISTRICT COURT PURSUANT TO A LOCAL AGREEMENT.

R 28.1119 Rescinded.

R 28.1120 Rescinded.

R 28.1121 Rescinded.

R 28.1122 RULE 122. Traffic accident studies.

If the accidents at any particular location become numerous, the police department shall cooperate with the traffic engineer in conducting studies of THE accidents and shall determine remedial measures.

R 28.1123 RULE 123. Drivers' files.

(1) The police department shall maintain a suitable record of all traffic accidents, CITATIONS, arrests, DISPOSITIONS, and complaints THAT are reported for each driver. The reported items shall be MAINTAINED IN A MANNER THAT ALLOWS FOR RETRIEVAL BY the name of the driver concerned. THE records shall be maintained for not less than the most recent 5-year period.

(2) A PHOTOCOPY OR ELECTRONIC IMAGE SHALL BE MAINTAINED IF THE ORIGINAL DOCUMENT IS SENT TO ANOTHER AGENCY OR TO A COURT, EXCEPT AS PROVIDED IN SUBRULE (3) OF THIS RULE.

(3) A PHOTOCOPY OR ELECTRONIC IMAGE IS NOT REQUIRED TO BE MAINTAINED BY THE POLICE DEPARTMENT IF THE ORIGINAL DOCUMENT, PHOTOCOPY, OR ELECTRONIC IMAGE IS MAINTAINED BY ANOTHER OFFICE OF THE MUNICIPALITY.

R 28.1124 RULE 124. Annual traffic safety report.

The police department shall annually prepare a traffic report THAT shall be filed with the executive head of this governmental unit and the ordinance making body of this governmental unit. THE report shall contain all of the following information on traffic matters in this MUNICIPALITY:

- (a) The number of traffic accidents.
- (b) The number of persons killed.
- (c) The number of persons injured.
- (d) The number of traffic accidents investigated.
- (e) The plans and recommendations of the police department for future traffic safety activities.
- (f) Other pertinent data on the safety activities of the police.
- (g) Other pertinent traffic accident data.

R 28.1125 RULE 125. Traffic engineer.

(1) The office of traffic engineer is hereby established. The traffic engineer shall be appointed in a manner prescribed by the ordinance making body and shall exercise the powers and duties provided in this code in a manner THAT is consistent with prevailing traffic engineering and safety practices and THAT is in the best interests of this governmental unit. If a traffic engineer is not appointed, THEN the authority of THE engineer shall be vested in the chief of police.

(2) THE TRAFFIC ENGINEER SHALL BE RESPONSIBLE FOR ANY DUTIES SPECIFICALLY DELEGATED TO THE LOCAL AUTHORITY BY THE ACT, UNLESS ANOTHER OFFICE IS SPECIFICALLY DESIGNATED BY THE ACT OR BY THIS CODE OR IS BY ITS NATURE THE MORE APPROPRIATE OFFICE.

R 28.1126 RULE 126. Duties of traffic engineer. (1)The general duties of the traffic engineer are as follows:

- (a) To plan and determine the installation and proper timing and maintenance of traffic-control devices.
- (b) To conduct engineering analysis of traffic accidents and to devise remedial measures.
- (c) To conduct engineering investigations of traffic conditions.
- (d) To plan the operation of traffic on the streets of this governmental unit, including parking areas.
- (e) To cooperate with other officials of this governmental unit in the development of ways and means to improve traffic conditions.
- (f) To carry out the additional powers and duties imposed by the ACT AND ordinances of this governmental unit.
- (G) TO OTHERWISE REGULATE THE MOVEMENT AND PARKING OF VEHICLES WITHIN THE MUNICIPALITY CONSISTENT WITH THE ACT.

(2) ALL DUTIES CARRIED OUT BY THE TRAFFIC ENGINEER SHALL BE IN ACCORDANCE WITH STANDARD AND ACCEPTED ENGINEERING PRACTICES AS FOUND IN THE TRAFFIC ENGINEERING HANDBOOK, FIFTH EDITION, WHICH IS ADOPTED BY REFERENCE IN THESE RULES. THE HANDBOOK MAY BE REVIEWED AT THE EAST LANSING HEADQUARTERS OF THE MICHIGAN STATE POLICE, SPECIAL OPERATIONS DIVISION, TRAFFIC SERVICES SECTION. THE HANDBOOK MAY BE PURCHASED FROM THE INSTITUTE OF TRANSPORTATION ENGINEERS, 1099 14TH STREET, N.W., SUITE 300 WEST, WASHINGTON, DC 20005-3438, OR FROM THE MICHIGAN DEPARTMENT OF STATE POLICE, SPECIAL OPERATIONS DIVISION, TRAFFIC SERVICES SECTION, 714 SOUTH HARRISON STREET, EAST LANSING, MI 48823, AT A COST AS OF THE TIME OF ADOPTION OF THESE RULES OF \$110.00 EACH.

R 28.1127 RULE 127. Emergency regulations.

The chief of police is hereby empowered to make and enforce temporary regulations to cover emergencies or special conditions. Temporary regulations shall remain in effect for not more than 90 days.

R 28.1128 RULE 128. Testing traffic-control devices.

The traffic engineer may test or experiment with traffic-control devices under actual conditions of traffic in accordance with procedures contained in the Michigan manual of uniform traffic-control devices.

R 28.1129 Rescinded.

R 28.1130 Rescinded.

R 28.1130a Rescinded.

R 28.1131 Rescinded.

R 28.1132 Rescinded.

R 28.1133 Rescinded.

R 28.1134 Rescinded.

R 28.1135 Rescinded.

R 28.1136 Rescinded.

R 28.1136a Rescinded.

R 28.1136b RULE 136B. Traffic-control devices on private property; violation as civil infraction.

(1) With the consent, or at the request, of the owners or persons in charge of private property that is open to the general public for travel, the traffic engineer may determine controls of the movement of vehicles and pedestrians and the parking of vehicles as needed for the safety and convenience of the public and users of the property. The traffic engineer shall place and maintain whatever traffic-control devices are necessary to give notice of the controls determined to be necessary.

(2) A person who violates the directions of the traffic-control devices is responsible for a civil infraction.

R 28.1137 RULE 137. Curb loading zones.

The traffic engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs THAT indicate the zones and THAT state the hours during which the zones are restricted for loading purposes.

R 28.1138 RULE 138. Permits for curb loading zones.

The traffic engineer shall not designate or sign any curb loading zone upon special request of any person unless THE person makes application for a permit for THE zone and for 2 signs to indicate the ends of each zone. When approved by the traffic engineer, the clerk, upon granting a permit and issuing THE signs, shall collect from the applicant and deposit with the treasurer a service fee for 1 year or a fraction thereof in an amount specified by resolution of the ordinance making body. The governmental unit may, by regulation, impose conditions upon the use of the signs and provide for reimbursement for the value of the signs if they are lost or damaged and for return of the signs if they are misused or upon expiration of the permit. THE permit shall expire at the end of 1 year.

R 28.1139 RULE 139. Public carrier stands.

The traffic engineer is hereby authorized to establish bus stops, bus stands, taxicab stands, and stands for other passenger common-carrier motor vehicles on public streets, in places, and in number as he or she shall determine to be of the greatest benefit and convenience to the public. Every bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs, which the traffic engineer shall cause to be erected.

R 28.1140 RULE 140. Permit for loading or unloading at an angle to the curb.

The traffic engineer may authorize the clerk to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of THE permit. A permit may be issued either to the owner or lessee of real property or to the owner of the

vehicle. A permit shall grant to THE OWNER OR LESSEE OF REAL PROPERTY the privileges THAT are stated in the permit and THAT are authorized in this code.

R 28.1141 RULE 141. Parking meter zones.

The traffic engineer is hereby authorized, subject to the approval of the ordinance making body, to determine and designate metered parking zones and to install and maintain as many parking meters as necessary in the metered parking zones, if it is determined that the installation of parking meters is necessary to aid in the regulation, control, and inspection of the parking of vehicles.

R 28.1142 RULE 142. Angle parking zones.

The traffic engineer shall determine the location of angle parking zones and shall erect and maintain appropriate signs THAT indicate the location and THAT give notice thereof, except that THESE zones shall not be established on state trunkline highways.

R 28.1143 Rescinded.

R 28.1144 RULE 144. Speed restrictions.

NOTWITHSTANDING SECTION 629 OF THE ACT, The traffic engineer is hereby authorized to establish prima facie speed limitS in alleys and cemeteries.

R 28.1145 Rescinded.

R 28.1146 Rescinded.

R 28.1147 RULE 147. Authority to sign 1-way streets and alleys.

Where any 1-way street or alley is duly established, the traffic engineer shall place and maintain signs THAT give notice of the 1-way street or alley and THE regulation shall not be effective unless THE signs are in place. Signs that indicate the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

R 28.1148 RULE 148. Authority to restrict direction of movement on streets during certain periods.

The traffic engineer is hereby authorized to determine and designate streets, parts of streets, or specific lanes of streets on which vehicular traffic shall proceed in 1 direction during 1 period of the day and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The traffic engineer may erect signs that temporarily designate lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

R 28.1149 Rescinded.

R 28.1150 Rescinded.

R 28.1151 RULE 151. Prohibiting certain traffic.

The traffic engineer may, after an engineering and traffic investigation, designate any heavily traveled street under his or her jurisdiction as prohibited to a class or kind of traffic found to be incompatible with the normal and safe

movement of traffic. The traffic engineer shall erect appropriate traffic-control devices THAT give notice of the determination.

R 28.1152 Rescinded.

R 28.1153 RULE 153. Traffic-control orders.

(1) The authority in THE ACT AND this code to regulate traffic shall be exercised by the traffic engineer by the issuance of traffic-control orders THAT shall specify the rules and regulations adopted or established by him or her. THE traffic-control orders shall become effective upon being filed with the clerk and upon erection of adequate signs or signals THAT give notice of the existence of THE regulation, if signs or signals are required by the provisions of this code THAT pertain to THE regulation.

(2) Traffic-control orders may be issued by the traffic engineer on his or her own authority, but when so issued shall be known as temporary traffic-control orders and shall not be effective after the expiration of 90 days from the date of filing and THESE temporary traffic-control orders shall not be renewed or extended, except upon approval by the ordinance making body.

(3) Permanent traffic-control orders shall be issued by the traffic engineer, approved by the ordinance making body, and filed with the clerk.

(4) Temporary orders shall become permanent orders upon being approved by the ordinance making body, and notice of THE approval shall be filed with the clerk.

(5) All traffic-control orders and any actions THAT modify or repeal THE orders shall be kept by the clerk in a separate book THAT shall be known as the traffic-control order book.

(6) A copy of a traffic-control order, certified by the clerk to be a true copy compared by him or her with the original in his or her office, shall be permitted into evidence in all courts and proceedings in the same manner as the original would be permitted into evidence if produced. If it appears that a traffic-control sign, signal, or device that conforms to the provisions of this code was erected or in place when the alleged violation of this code occurred, IT shall be prima facie evidence of the existence of a lawful traffic-control order THAT authorizes THE traffic control, sign, signal, or device, and it is not necessary for the prosecution to affirmatively show the existence of a valid traffic-control order in THESE cases, unless and until THE presumption is rebutted by competent evidence.

(7) ALL TRAFFIC CONTROL ORDERS ISSUED BY THE TRAFFIC ENGINEER, WHETHER TEMPORARY OR PERMANANT, SHALL BE IN ACCORDANCE WITH STANDARD AND ACCEPTED ENGINEERING PRACTICES AS ADOPTED IN R 28.1126.

R 28.1154 RULE 154. Clerk.

The duties set forth in RULES 2.55 to 2.58 of this code shall apply to the person who is elected or appointed to the office of clerk of this governmental unit.

R 28.1155 RULE 155. Clerk to issue permit for loading or unloading at an angle to the curb.

The clerk, upon receipt of a written application, shall issue, subject to the approval of the traffic engineer, permits to back a vehicle at right angles to the curb for the purpose of loading or unloading of merchandise or material. THESE permits shall be subject to the terms and conditions stated thereon. THESE permitS shall expire at the end of each calendar year, but may be reissued.

R 28.1156 RULE 156. Clerk to issue permit for curb loading zones.

The clerk, upon receipt of a written application, shall issue, subject to the approval of the traffic engineer, permits for curb loading zones. THESE permits shall be subject to the terms and conditions stated thereon.

R 28.1157 RULE 157. Clerks to provide traffic citation forms.

(1) Traffic citation forms in serially numbered sets THAT notify alleged violators to appear and answer to charges of violating traffic laws and ordinances shall be provided by the clerk in books and in a form as provided in sections 727b and 727c of the act-

(2) THIS RULE SHALL NOT APPLY TO MUNICIPALITIES IN WHICH THE TRAFFIC CITATION FORMS REQUIRED IN SUBRULE (1) OF THIS RULE ARE PROVIDED BY ANOTHER DEPARTMENT, AGENCY, OR COURT PURSUANT TO A LOCAL AGREEMENT.

R 28.1158 RULE 158. Issuance and record of traffic citation books.

(1) The clerk shall be responsible for the issuance of traffic citation books to the chief of police and shall maintain a record of each book.

(2) THIS RULE SHALL NOT APPLY TO MUNICIPALITIES IN WHICH THE RECORDS REQUIRED IN SUBRULE (1) OF THIS RULE ARE MAINTAINED BY ANOTHER DEPARTMENT, AGENCY, OR COURT PURSUANT TO A LOCAL AGREEMENT.

PART 3. OBEDIENCE TO TRAFFIC REGULATIONS

R 28.1201 RULE 201. Required obedience to traffic ordinances; PARENTAL RESPONSIBILITY; violation as civil infraction.

(1) It is a violation of this code for any person to do any act THAT is forbidden, or to fail to perform any act THAT is required, by THE ACT OR this code.

(2) THE PARENT OF ANY CHILD AND THE GUARDIAN OF ANY WARD SHALL NOT AUTHORIZE OR KNOWINGLY PERMIT THIS CHILD OR WARD TO VIOLATE ANY OF THE PROVISIONS OF THE ACT OR THIS CODE.

(3) UNLESS OTHERWISE SPECIFIED, VIOLATION OF ANY RULE OF THIS CODE IS A CIVIL INFRACTION.

R 28.1202 RULE 202. Obedience to police and fire department officials; violation as misdemeanor.

(1) A person shall not willfully fail or refuse to comply with any lawful order or direction of any police officer or member of the fire department, at the scene of or in the immediate vicinity of a fire, who is vested with authority under the ACT OR THIS code to direct, control, or regulate traffic.

(2) A person who violates this RULE is guilty of a misdemeanor.

R 28.1202a Rescinded.

R 28.1203 RULE 203. Persons propelling push carts or riding animals subject to traffic regulations; violation as misdemeanor.

(1) Persons who propel any push cart or who ride an animal upon a roadway and persons who drive any animal-drawn vehicle are subject to the provisions of this code THAT are applicable to the driver of any vehicle, except for the provisions of this code THAT by their very nature can have no application.

(2) A person who violates this RULE is guilty of a misdemeanor.

R 28.1204 RULE 204. Use of coasters, roller skates, and similar devices restricted; violation as civil infraction.

(1) A person who is riding in, or by means of, any coasters, toy vehicle, or similar device shall not go on any roadway, except while crossing a street on a crosswalk. When crossing a street on a crosswalk, THE person shall be granted all of the rights, and shall be subject to all of the duties, applicable to pedestrians.

(2) A PERSON WHO IS ON A SKATEBOARD OR ROLLER SKATES, INCLUDING IN-LINE SKATES, SHALL BE CONSIDERED A PEDESTRIAN AND IS SUBJECT TO ALL OF THE RIGHTS AND DUTIES OF A PEDESTRIAN, EXCEPT AS PROVIDED IN SUBRULE (3) OF THIS RULE.

(3) THE TRAFFIC ENGINEER MAY DESIGNATE THOSE ROADWAYS AND AREAS WHERE THE USE OF SKATEBOARDS, ROLLER SKATES, OR IN-LINE SKATES ARE PROHIBITED AND SHALL DESIGNATE THESE AREAS THROUGH THE POSTING OF APPROPRIATE SIGNS.

(4) A person who violates this RULE is responsible for a civil infraction.

R 28.1205 Rescinded.

R 28.1206 Rescinded.

R 28.1207 Rescinded.

R 28.1208 Rescinded.

R 28.1209 Rescinded.

R 28.1210 Rescinded.

R 28.1211 RULE 211. Code provisions; exclusive applicability to operation of vehicles on streets, except where otherwise referred to.

The provisions of this code that relate to the operation of vehicles refer exclusively to the operation of vehicles on streets OR HIGHWAYS, except where a different place is specifically referred to in a RULE of this code.

R 28.1212 RULE 212. Enforcing violation on private road.

Notwithstanding any other provision of law, a police officer may enter upon a private road to enforce violations of THE ACT OR this code.

PART 4. TRAFFIC-CONTROL DEVICES

R 28.1301 Rescinded.

R 28.1302 Rescinded.

R 28.1303 Rescinded.

R 28.1304 RULE 304. Obedience to official traffic-control devices; violation as civil infraction.

(1) The driver of any vehicle shall obey the instructions of any official traffic-control device THAT is placed in accordance with A TRAFFIC CONTROL ORDER OR A traffic ordinance of ANY governmental unit HAVING AUTHORITY OVER THAT HIGHWAY, unless otherwise directed by a police officer.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1304a Rescinded.

R 28.1305 RULE 305. Provisions of code THAT require signs; enforceability.

Provisions of this code THAT require signs shall not be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign was not in proper position and was not sufficiently legible so as to be seen by an ordinarily observant person. When a particular RULE does not state that signs are required, THE RULE shall be effective even though signs are not erected or in place.

R 28. 1306 Rescinded.

R 28.1307 Rescinded.

R 28.1308 Rescinded.

R 28.1309 Rescinded.

R 28.1310 Rescinded.

R 28.1311 Rescinded.

R 28.1312 Rescinded

R 28.1313 RULE 313. Crosswalks.

The traffic engineer is hereby authorized to designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where, in his or her opinion, there is particular danger to pedestrians crossing the roadway and at other places as he or she may deem necessary.

R 28.1314 RULE 314. Safety zones.

The traffic engineer is hereby authorized to establish safety zones of a kind and character and at places as he or she may deem necessary for the protection of pedestrians.

R 28.1315 Rescinded.

R 28.1316 Rescinded.

R 28.1317 Rescinded.

R 28.1318 Rescinded.

R 28.1319 Rescinded.

R 28.1320 RULE 320. Bicycle paths or bicycle lanes; establishment; traffic-control devices.

(1) When the traffic engineer, after a traffic survey and engineering study, determines there is a need, he or she may establish a part of a street or highway under his or her jurisdiction as a bicycle path or lane.

(2) The bicycle path or lane shall be identified by official traffic-control devices THAT conform to the Michigan manual of uniform traffic-control devices.

R 28.1321 RULE 321. Bicycle paths; vehicles prohibited; snowmobiles permitted under certain conditions; violation as misdemeanor.

(1) A person shall not operate a vehicle on or across a bicycle path, except to enter or leave adjacent property or as otherwise permitted in this RULE.

(2) A person may operate a snowmobile on a bicycle path THAT is snow-covered and THAT is not snowplowed for bicycle traffic.

(3) A person shall not park a vehicle on a bicycle path.

(4) A person who violates this RULE is guilty of a misdemeanor.

R 28.1322 RULE 322. Bicycle lanes; vehicles prohibited; parking permitted under certain conditions; violation as misdemeanor.

(1) A person shall not operate a vehicle on or across a bicycle lane, except to enter or leave adjacent property.

(2) A person shall not park a vehicle on a bicycle lane, except where parking is permitted by official signs.

(3) A person who violates this RULE is guilty of a misdemeanor.

PART 5. RIGHTS AND DUTIES OF DRIVERS AND OTHERS

R 28.1401 Rescinded.

R 28.1402 Rescinded.

R 28.1403 Rescinded.

R 28.1404 Rescinded.

R 28.1404a Rescinded.

R 28.1405 Rescinded.

R 28.1406 Rescinded.

R 28.1407 Rescinded.

R 28.1408 Rescinded.

R 28.1409 Rescinded.

R 28.1409a RULE 409A. Driving at slow speed; violation as a civil infraction.

(1) A person shall not drive a motor vehicle at a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or to comply with law.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1410 Rescinded.

R 28.1411 Rescinded.

R 28.1412 RULE 412. Violation of signs; violation as civil infraction.

(1) It shall be prima facie unlawful to exceed the speed stated on signs erected in accordance with A TRAFFIC CONTROL ORDER OR A traffic ordinance of ANY governmental unit HAVING AUTHORITY OVER THAT HIGHWAY.(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1413 RULE 413. Manner of charging violation of speed restriction.

In every charge of violating a speed restriction , the complaint and traffic citation shall specify the speed at which the defendant is alleged to have driven and the speed applicable within the district or at the location.

R 28.1414 Rescinded.

R 28.1414a Rescinded.

R 28.1414b Rescinded.

R 28.1415 Rescinded.

R 28.1415a Rescinded.

R 28.1415b Rescinded.

R 28.1415c Rescinded.

R 28.1415d Rescinded.

R 28.1415e Rescinded.

R 28.1415f Rescinded.

R 28.1415g Rescinded.

R 28.1416b Rescinded.

R 28.1416c RULE 416C. Consumption of liquor on highways or on property open to public; violation as misdemeanor.

(1) Alcoholic liquor shall not be consumed on a highway, street, alley, or any public or private property THAT is open to the general public.

(2) THIS RULE DOES NOT APPLY TO A PREMISES OPERATING UNDER A LICENSE OR PERMIT ISSUED PURSUANT TO 1998 PA 58, MCL 436.1101 ET SEQ.

(3) A person who violates this RULE is guilty of a misdemeanor.

R 28.1417 Rescinded.

R 28.1418 Rescinded.

R 28.1419 Rescinded.

R 28.1420 Rescinded.

R 28.1421 Rescinded.

R 28.1422 Rescinded.

R 28.1423 Rescinded.

R 28.1424 RULE. One-way roadways; violation as civil infraction.

(1) On a roadway or alley that is designated and signposted for 1-way traffic, a vehicle shall be driven only in the direction designated.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1425 Rescinded.

R 28.1426 Rescinded.

R 28.1427 Rescinded.

R 28.1428 Rescinded.

R 28.1428a Rescinded.

R 28.1429 Rescinded.

R 28.1430 Rescinded.

R 28.1431 Rescinded.

R 28.1432 Rescinded.

R 28.1433 Rescinded.

R 28.1434 RULE 434. Limitations on turning around; violation as civil infraction.

(1) The driver of any vehicle shall not turn THE vehicle so as to proceed in the opposite direction on any street in a business district and shall not, on any other street, so turn a vehicle unless THE movement can be made in safety and without interfering with other traffic.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1435 Rescinded.

R 28.1436 Rescinded.

R 28.1436a Rescinded.

R 28.1437 RULE 437. Emerging from alley, driveway, or building; violation as civil infraction.

(1) The driver of a vehicle that is merging from an alley, driveway, or building shall stop THE vehicle immediately before driving onto a sidewalk or onto the sidewalk area extending across any alleyway, shall yield the right-of-way to any pedestrian as may be necessary to avoid collision and, upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1438 RULE 438. Entering intersection or crosswalk; obstructing traffic prohibited; violation as civil infraction.

(1) A driver shall not enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

(2) A person who violates this RULE is responsible for a civil infraction

R 28.1439 Rescinded.

R 28.1440 Rescinded.

R 28.1440a Rescinded.

R 28.1440b RULE 440B. Obstruction of vehicular traffic by successive train movements on highways or streets; violation as misdemeanor.

(1) It is unlawful for a railroad company to permit successive train movements to obstruct any vehicular traffic on any public streets or highways until all vehicular traffic previously delayed by THESE train movements has been cleared or until a period of 5 minutes has elapsed between train movements.

(2) A railroad company that violates this RULE is guilty of a misdemeanor.

R 28.1440c Rescinded.

R 28.1441 Rescinded.

R 28.1442 Rescinded.

R 28.1443 Rescinded.

R 28.1444 Rescinded.

R 28.1445 Rescinded.

R 28.1446 RULE 446. Drivers in a procession; violation as civil infraction.

- (1) Each driver in a funeral or other authorized procession shall drive as near the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.
- (2) A person who violates this RULE is responsible for a civil infraction

R 28.1447 RULE 447. Parades and processions; permit required; violation as misdemeanor.

- (1) A procession or parade, other than a procession or parade of the forces of the United States armed services, the military forces of this state, and the forces of the police and fire departments, shall not occupy, march, or proceed along any roadway, unless pursuant to a permit issued by the chief of police and unless the procession or parade is in accordance with other regulations as are set forth in this code.
- (2) A person who violates this RULE is guilty of a misdemeanor.

R 28.1448 RULE 448. Driving on sidewalk prohibited; violation as misdemeanor.

- (1) The driver of a vehicle shall not drive on or within any sidewalk area, except at a driveway.
- (2) A person who violates this RULE is guilty of a misdemeanor.

R 28.1449 RULE 449. Limitations on backing; violation as civil infraction.

- (1) The driver of a vehicle shall not back the vehicle unless the movement can be made with reasonable safety and without interfering with other traffic.
- (2) A vehicle shall not be backed a distance of more than 60 feet.
- (3) A vehicle shall not be backed into an intersection; except that a vehicle may be backed into an intersection when it is not otherwise possible to turn about and when THE movement can be made safely without interfering with other traffic.
- (4) A person who violates this RULE is responsible for a civil infraction.

R 28.1450 Rescinded.

R 28.1452 RULE 452. Driving through or over a safety zone occupied by people prohibited; violation as civil infraction.

- (1) The driver of a vehicle shall not at any time drive through or over a safety zone when THE safety zone contains any person therein.
- (2) A person who violates this RULE is responsible for a civil infraction.

R 28.1453 Rescinded.

R 28.1454 RULE 454. Splashing prohibited; violation as civil infraction.

- (1) A driver of a motor vehicle shall not recklessly, willfully, wantonly, or carelessly operate his or her vehicle in A manner as to splash snow, rain, water, mud, dirt, or debris on any person who is on a sidewalk, crosswalk, or safety zone.
- (2) A person who violates this RULE is responsible for a civil infraction.

R 28.1455 RULE 455. Deposit of litter on streets prohibited; violation as misdemeanor.

- (1) A person shall not, without the consent of the public authority having supervision of a street, deposit, place, dump, throw, or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of, any destructive or injurious material, any rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, or debris on any street.
- (2) A person who throws or drops, or permits to be thrown or dropped, on a street any of the material or matter listed in SUBRULE (1) of this RULE shall immediately remove it or cause it to be removed.
- (3) The violation of this RULE is punishable as a misdemeanor

R 28.1455a RULE 455A. Throwing objects at or into paths of vehicles prohibited; violation as misdemeanor.

- (1) A person shall not knowingly cause any litter or any object to fall or to be thrown into the path of or to hit a vehicle traveling on a street.
- (2) The violation of this RULE is punishable by a fine of not more than \$500.00 or not more than 1 year in county jail, or both. A person who violates this RULE is guilty of a misdemeanor.

R 28.1455b Rescinded.

R 28.1456 RULE 456. Removal of wrecked or damaged vehicles; violation as misdemeanor.

- (1) A person who removes a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped on the street from the vehicle.
- (2) The violation of this RULE is punishable as a misdemeanor.

R 28.1457 Rescinded.

R 28.1458 RULE 458. Requirements when leaving motor vehicle unattended; violation as civil infraction.

- (1) A person who has control or charge of a motor vehicle shall not allow THE vehicle to stand unattended on any street or any other place without first stopping the engine, locking the ignition, AND removing and taking possession of the ignition key. The provisions of this RULE that pertain to the locking of the ignition and removing and taking possession of the ignition key do not apply to motor vehicles that are manufactured with an ignition system THAT does not have a key and THAT is incapable of being locked.
- (2) A person who violates this RULE is responsible for a civil infraction.

R 28.1459 Rescinded.

R 28.1460 Rescinded.

R 28.1461 Rescinded.

R 28.1462 Rescinded.

R 28.1462a Rescinded.

R 28.1463 Rescinded.

R 28.1463a Rescinded.

R 28.1464 Rescinded.

R 28.1465 Rescinded.

R 28.1466 Rescinded.

R 28.1467 Rescinded.

R 28.1468 Rescinded.

R 28.1469 Rescinded.

R 28.1470 Rescinded.

R 28.1470a Rescinded.

R 28.1471 Rescinded.

R 28.1471a Rescinded.

R 28.1472 Rescinded.

R 28.1473 Rescinded.

R 28.1473a Rescinded.

R 28.1474 Rescinded.

R 28.1476 Rescinded.

R 28.1477 Rescinded.

R 28.1478 Rescinded.

R 28.1478a Rescinded.

R 28.1479 Rescinded.

R 28.1480 Rescinded.

R 28.1480a Rescinded.

R 28.1481 Rescinded.

R 28.1485 Rescinded.

R 28.1487 Rescinded.

R 28.1487a Rescinded.

R 28.1488 Rescinded.

R 28.1489 Rescinded.

R 28.1490 Rescinded.

R 28.1490a RULE 490A. Operation of vehicle with unnecessary noise prohibited; violation as civil infraction.

(1) A person shall not operate a motor vehicle with unnecessary noise and shall not start, move, or turn a motor vehicle or apply the brakes or the power on a motor vehicle or in any manner operate the vehicle so as to cause the tires to squeal or the tires or vehicle to make any noise not usually connected with the operation of the motor vehicle, except in case of an emergency.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1491 Rescinded.

R 28.1492 Rescinded.

R 28.1493 RULE 493. Display on vehicle of official designation, sign, or insignia prohibited; violation as misdemeanor.

(1) An owner shall not display on any part of his or her vehicle, or knowingly permit the display of, any official designation, sign, or insignia of any public or quasi-public corporation; municipal, state, or national department; or government subdivision without authority of THE agency.

(2) A person who violates this RULE is guilty of a misdemeanor

R 28.1494 Rescinded.

R 28.1495 Rescinded.

R 28.1496 Rescinded.

R 28.1497 Rescinded.

R 28.1498 RULE 498. Opening vehicle doors so as to impede traffic prohibited; violation as civil infraction.

(1) A person shall not open a door of a vehicle in a manner that interferes with or impedes the flow of traffic.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1498a Rescinded.

R 28.1499 Rescinded.

PART 6. OPERATION OF BICYCLES, MOTORCYCLES, MOPEDS, AND TOY VEHICLES

R 28.1601 Rescinded.

R 28.1602 Rescinded.

R 28.1603 RULE 603. Bicycles; ordinances applicable.

The provisions of this code that are applicable to bicycles shall apply when a bicycle is operated on any street or on any public path set aside for the exclusive use of bicycles, subject to those exceptions stated in this code.

R 28.1604 Rescinded.

R 28.1604a Rescinded.

R 28.1605 Rescinded.

R 28.1606 Rescinded.

R 28.1607 RULE 607. Obedience to pedestrian regulations when dismounted from a bicycle.

When authorized signs are erected THAT indicate that right, left, or U-turns are not permitted, a person who operates a bicycle shall obey the direction of THE sign, except where the person dismounts from the bicycle to make THE turn, in which event the person shall then obey the regulations applicable to pedestrians.

R 28.1608 Rescinded.

R 28.1609 Rescinded.

R 28.1610 Rescinded.

R 28.1611 Rescinded.

R 28.1612 Rescinded.

R 28.1613 Rescinded.

R 28.1614 Rescinded.

R 28.1615 RULE 615. Emerging from alley, driveway, or building; yielding right-of-way; violation as civil infraction.

(1) The operator of a bicycle who emerges from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk area and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on the roadway.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1616 Rescinded.

R 28.1617 RULE 617. Bicycles; parking on sidewalk; violation as civil infraction.

(1) A person shall not park a bicycle on a sidewalk where bicycle parking is prohibited by official traffic-control devices. A person shall not park a bicycle on a sidewalk in a manner that would unreasonably obstruct pedestrian or other traffic.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1617a RULE 617A. Bicycles; parking on roadway; violation as civil infraction.

(1) Notwithstanding the provisions of PART 8 of this code, and unless prohibited or restricted by traffic-control devices, a bicycle may be parked as follows:

(a) On the roadway at an angle to the curb or edge of the roadway at any location where the parking of vehicles is allowed.

(b) On the roadway abreast of another bicycle near the side of the roadway at any location where the parking of vehicles is allowed.

(2) In all other respects, a bicycle parked anywhere on a street shall conform with the provisions of PART 8 of this code THAT regulates the parking of vehicles.

(3) A person who violates this RULE is responsible for a civil infraction.

R 28.1618 RULE 618. Obedience to signs prohibiting riding of bicycles; violation as civil infraction.

(1) When a sign is erected on a sidewalk THAT prohibits the riding of bicycles thereon by any person, a person shall obey the sign.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1619 Rescinded.

R 28.1620 Rescinded.

R 28.1621 Rescinded.

R 28.1622 Rescinded.

R 28.1623 Rescinded.

R 28.1623a Rescinded.

R 28.1624 Rescinded.

R 28.1625 Rescinded.

R 28.1626 Rescinded.

R 28.1627 Rescinded.

PART-7. PEDESTRIANS' RIGHTS AND DUTIES

R 28.1701 RULE 701. Pedestrians; traffic-control signals; privileges and restricts; violation as civil infraction.

(1) Pedestrians are subject to traffic-control signals at intersections as provided in SECTION 613 OF THE ACT AND PART 4 of this code. At all other places, pedestrians shall be accorded the privileges, and shall be subject to the restrictions, stated in this PART.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1702 RULE 702. Pedestrians; right-of-way in crosswalk; violation as civil infraction.

(1) When traffic-control signals are not in place or are not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is on the half of the roadway on which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but a pedestrian shall not suddenly leave a curb or other place of safety and walk or run into a path of a vehicle THAT is so close that it is impossible for the driver to yield.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1703 RULE 703. Passing vehicle stopped at intersection to permit pedestrian to cross prohibited; violation as civil infraction.

(1) When any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass THE stopped vehicle.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1703a Rescinded.

R 28.1705 RULE 705. Crossing roadway at right angles to curb required; violation as civil infraction.

(1) A pedestrian shall not, except in a marked crosswalk, cross a roadway at any other place than by a route at right angles to the curb or by the shortest route to the opposite curb.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1706 RULE 706. Pedestrians; yielding right-of-way; violation as civil infraction.

(1) Every pedestrian who crosses a roadway at any point other than within a marked crosswalk at an intersection shall yield the right-of-way to all vehicles on the roadway.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1707 RULE 707. Pedestrians; yielding right-of-way where tunnel or overhead crossing provided; violation as civil infraction.

(1) Any pedestrian who crosses a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles on the roadway, if signs prohibiting the crossing of the roadway by pedestrians at THAT point are in place.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1708 RULE 708. Pedestrians; yielding right-of-way to emergency vehicles; violation as civil infraction.

(1) A pedestrian shall yield the right-of-way to an authorized emergency vehicle under the conditions prescribed in THE ACT.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1709 RULE 709. Pedestrians; crossing between adjacent intersections; violation as civil infraction.

(1) Where traffic-control signals are in operation, pedestrians shall not cross the roadway except in a marked crosswalk.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1710 RULE 710. Pedestrians; crossing roadway in business district; violation as civil infraction.

(1) In any business district, a pedestrian shall not cross a roadway other than in a crosswalk.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1711 RULE 711. Pedestrians; obedience to bridge and railroad barriers; violation as civil infraction.

(1) A pedestrian shall not pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while THE gate or barrier is closed or is being opened or closed.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1712 Rescinded.

R 28.1713 RULE 713. Pedestrians; soliciting ride, employment, or business in roadway prohibited; violation as civil infraction.

(1) A person shall not stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1714 RULE 714. Pedestrians; soliciting the watching or guarding of vehicle in street or highway prohibited; violation as civil infraction.

(1) A person shall not stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1715 RULE 715. Stopping for blind pedestrians; violation as misdemeanor.

(1) Any driver of a vehicle who approaches within 10 feet of a person who is wholly or partially blind, who is carrying a cane or walking stick THAT is white or white tipped with red, or who is being led by a guide dog wearing a harness and walking on either side, or slightly in front, of the blind person shall immediately come to a

full stop and shall take precautions before proceeding as may be necessary to avoid accident or injury to the wholly or partially blind person.

(2) A person who violates this RULE is guilty of a misdemeanor.

R 28.1716 RULE 716. Drivers; exercising due care; violation as civil infraction.

(1) Notwithstanding the foregoing provisions of this part, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian on any roadway, shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person on a roadway.

(2) A person who violates this RULE is responsible for a civil infraction.

PART 8. STOPPING, STANDING, AND PARKING

R 28.1801 RULE 801. Standing or parking close to curb; violation as civil infraction.

(1) A person shall not stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the right-hand wheels of the vehicle within 12 inches of the curb or edge of the roadway, except as otherwise provided in thispart.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1802 RULE 802. Parking on 1-way streets; violation as civil infraction.

(1) Vehicles may park with the left-hand wheels adjacent to, and within 12 inches of, the left-hand curb of properly signed 1-way streets.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1803 RULE 803. Stopping, standing, or parking on streets signed for angle parking; violation as civil infraction.

(1) On those streets that have been signed or marked for angle parking, a person shall not stop, stand, or park a vehicle other than at the angle to the curb or edge of the roadway indicated by THE signs or markings.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1804 RULE 804. Violating terms of permit for backing vehicle to load or unload at a curb prohibited; violation as civil infraction.

(1) It is unlawful for any permittee or any other person to violate any of the special terms or conditions of any special permit issued to permit the backing of a vehicle to the curb for the purpose of loading or unloading.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1805 Rescinded.

R 28.1806 RULE 806. Vehicle starting from parked position; violation as civil infraction.

(1) A vehicle starting from a parked position shall yield to moving vehicles the right-of-way, and the operator of THE vehicle shall give a timely and visible warning signal before so starting.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1807 RULE 807. Vehicle parked at angle to curb and about to start; yielding right-of-way; backing into lane of moving traffic; violation as civil infraction.

(1) A vehicle THAT is parked at an angle to the curb and THAT is about to start shall yield to moving vehicles the right-of-way, and the operator of the vehicle shall not back THE vehicle from the curb into the lane of moving traffic unless THE maneuver can be made in safety and without conflict with moving vehicles.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1808 Rescinded.

R 28.1809 RULE 809. Headlights on parked vehicles; violation as civil infraction.

(1) Any lighted headlights on a parked vehicle shall be depressed or dimmed.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1810-Rescinded.

R 28.1811 Rescinded.

R 28.1812 Rescinded.

R 28.1813 RULE 813. Parking in alley prohibited; exception; stopping or standing in alley prohibited; exception; violation as civil infraction.

(1) A person shall not park a vehicle in an alley, except when authorized by official signs. A person shall not stop or stand a vehicle in any alley, except while actually in the process of loading or unloading THE vehicle.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1814 RULE 814. Parking for certain purposes prohibited; violation as civil infraction.

(1) A person shall not park a vehicle on any street for the principal purpose of doing any of the following:

(a) Displaying THE vehicle for sale.

(b) Washing, polishing, greasing, or repairing THE vehicle, except for repairs necessitated by an emergency.

(c) Displaying advertising.

(d) Selling merchandise from THE vehicle, except in a duly established market place or when so authorized or licensed under the ordinances of this governmental unit.

(e) Storage for more than 48 continuous hours.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1815 RULE 815. Standing or parking on 1-way roadways prohibited; exception; violation as civil infraction.

(1) If a street includes 2 or more separate roadways and traffic is restricted to 1 direction on THE roadway, a person shall not stand or park a vehicle on the left-hand side of THE 1-way roadway, unless signs are erected to permit THAT standing or parking.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1816 Rescinded.

R 28.1817 Rescinded.

R 28.1818 RULE 818. Temporary stop at freight curb loading zone permitted; violation as civil infraction.

(1) The driver of a vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers, if THE stopping does not interfere with any motor vehicle used for the transportation of materials, which is waiting to enter or about to enter THE zone.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1819 RULE 819. Stopping, standing, or parking of buses and taxicabs restricted; exception; violation as civil infraction.

(1) The operator of a bus or taxicab shall not stop, stand, or park on any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that this provision does not prevent the operator of THE vehicle from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of, and while engaged in, the expeditious unloading or loading of passengers.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1820 RULE 820. Restricted use of bus and taxicab stands; violation as civil infraction.

(1) A person shall not stop, stand, or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when THE stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, the expeditious loading or unloading of passengers, if THE stopping does not interfere with any bus or taxicab waiting to enter or about to enter THE zone.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1821 RULE 821. Metered parking zones; violation as civil infraction.

(1) When a parking meter is erected adjacent to a space marked for parking, THE space shall be a metered parking zone, and a person shall not stop a vehicle in THIS zone for a period of time longer than that designated on the parking meter after depositing a coin of United States currency of a denomination designated on the meter on the days and during the time the regulations on the meter are in force.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1822 RULE 822. Drivers to park within metered parking spaces; violation as civil infraction.

(1) Every vehicle shall be parked wholly within the metered parking space for which the meter shows a parking privilege has been granted, except that a vehicle THAT is too large to be parked within a single designated parking meter zone shall be permitted to occupy 2 adjoining parking meter spaces if coins are deposited in the parking meter for each space occupied, as required in this code for the parking of other vehicles in THAT space.

(2) A person who violates this RULE is responsible for a civil infraction.

R 28.1823 Rescinded.

R 28.1823a Rescinded.

R 28.1823b Rescinded.

R 28.1824 Rescinded.

PART 9. MISCELLANEOUS

R 28.1901 RULE 901. Short title.

This code shall be known and cited as the "Uniform Traffic Code."

R 28.1902 RULE 902. Invalidity or unconstitutionality of code; severability.

If any part or parts of THE ACT OR this code are for any reason held to be invalid or unconstitutional, THE decision shall not affect the validity or constitutionality of the remaining portions OF THESE RULES. The ordinance-making body hereby declares that it would have passed this code and each part or parts thereof, irrespective of the fact that any 1 part or parts be declared invalid or unconstitutional.

R 28.1903 RULE 903. Penalties; civil infraction and misdemeanor.

(1) Civil infraction: A violation of this code or rules substantially corresponding to the act that is designated a civil infraction is not a crime and shall not be punishable by imprisonment or a penal fine. A civil infraction shall not be considered a lesser included offense of any criminal offense.

(2) Misdemeanor: Unless another penalty is expressly provided by the ordinances of this governmental unit, every person who is convicted of a misdemeanor violation of any provision of this code shall be punished by a fine of not more than \$100.00 or by imprisonment for not more than 90 days, or both.

R 28.1904 RULE 904. Saving clause.

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this code takes effect are hereby saved, and THESE proceedings may be consummated under and according to the ordinance in force at the time THE proceedings are or were commenced. This code shall not be construed to alter, affect, or abate any pending prosecution or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed by the ordinance adopting this uniform traffic code for offenses committed before the effective date of this code; and all prosecutions pending at the effective date of this code and all prosecutions instituted after the effective date of this code for offenses committed before the effective date of this code may be continued or instituted under and in accordance with the provisions of any ordinance in force at the time of the commission of THE offense.

R 28.1905 RULE 905. Adoption of code by reference.

If the commissioner of the state police shall thereafter amend ITScode, any city, township, or village THAT has adopted THE code by reference may adopt THE amendment by reference by the same procedure as required for the adoption of the original code, or THE amendment may be adopted by enacting an ordinance setting forth the entire text of THE amendment.

R 28.2001 Rescinded.-

R 28.2011 Rescinded.

R 28.2012 Rescinded.

R 28. 2013-Rescinded.

R 28.2014 Rescinded.

R 28.2021 Rescinded.

R 28.2022 Rescinded.

R 28.2023 Rescinded.

R 28.2031 Rescinded.

R 28.2032 Rescinded.

R 28.2033 Rescinded.

R 28.2034 Rescinded.

R 28.2035 Rescinded.

R 28.2036 Rescinded.

R 28.2037 Rescinded.

R 28.2038 Rescinded.

R 28.2039 Rescinded.

R 28.2040 Rescinded.

R 28.2041 Rescinded.

R 28.2051 Rescinded.

R 28.2060 Rescinded.

R 28.2061 Rescinded.

R 28.2071 Rescinded.

R 28.2072 Rescinded.

R 28.2073 Rescinded.

R 28.2074 Rescinded.

R 28.2075 Rescinded.

NOTICE OF PUBLIC HEARING

ORR # 2002-009

DEPARTMENT OF STATE POLICE

SPECIAL OPERATIONS DIVISION

UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES

The Michigan Department of State Police is in the process of repromulgating rules for the “Uniform Traffic Code for Cities, Townships, and Villages.” A public hearing will be held on Tuesday, August 6, 2002, at 1:00pm at the Michigan State Police Headquarters, Management Services Building, Large Conference Room, 714 South Harrison Road, East Lansing, Michigan.

The authority is conferred upon the Department of State Police by section 951 of 1956 PA 62, section 257.951 of the Michigan Compiled Laws.

These rules are being promulgated by the Department of State Police for the purpose of updating and revising the Uniform Traffic Code. 1999 PAs 258, 259, and 260 allow cities, townships, and villages the ability to adopt the Michigan Vehicle Code as a local ordinance by reference, eliminating the need for redundant language.

The draft rules are published on the Michigan Government website <http://www.michigan.gov/orr> or may be obtained by mail or electronic transmission. To request a copy or to submit written comments if unable to attend, please contact Sgt. Lance Cook, Michigan State Police, Special Operations Division, Traffic Services Section, 714 South Harrison Road, East Lansing, Michigan, (517) 336-6660.

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-012

DEPARTMENT OF TREASURY

HIGHER EDUCATION ASSISTANCE AUTHORITY

MICHIGAN EDUCATION TRUST

Filed with the Secretary of State on .

This rule takes effect 7 days after filing with the Secretary of State

(By authority conferred on the board of directors of the Michigan education trust by section 11 of 1986 PA 316, MCL 390.1431.)

R 390.1801 of the Michigan Administrative Code is amended as follows:

R 390.1801 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Academic year" means the undergraduate school year consisting of 2 semesters or 3 terms or quarters beginning the first semester, term, or quarter after July 15 of any year.
- (b) "Act" means ~~Act No. 316 of the Public Acts of 1986, being~~ S 1986 PA 316, MCL 390.1421 et seq. ~~of the Michigan Compiled Laws.~~
- (c) "Annual undergraduate tuition cost" means a figure determined by dividing the total in-state, undergraduate tuition collected by a particular state institution of higher education for a year by the total number of in-state, undergraduate, fiscal year equated students at that particular school for that year.
- (d) "Application" means a request for acceptance into the trust made on a form, or a duplicate of a form, approved by the trust.
- (e) "Application fee" means a fee paid to the trust upon application.
- (f) "Average tuition cost" means a figure determined by adding the annual undergraduate tuition cost at each state institution of higher education and dividing that result by the total number of state institutions of higher education.
- (g) "Beneficiary" means an individual who is designated as a beneficiary in a contract with the trust. The beneficiary shall be a resident as defined in this rule when the contract is submitted to the trust.
- (h) "Community or junior college" means an educational institution described in 1963 Mich. Const., Art. VIII, section 7.
- (i) "Contract" means any 1 of the following Michigan education trust contracts:
 - (i) Full benefits plan contract offered in 1988.
 - (ii) Limited benefits plan contract offered in 1988.
 - (iii) Community college plan contract offered in 1988.
 - (iv) Any other contract to provide educational benefits approved by the board.

- (j) "Contract processing fee" means a fee paid for the processing of a contract.
- (k) "Disabled" or "disability" means a limitation of an individual's learning ability that results from an injury or disease which renders the individual incapable of participating in higher education.
- (l) "Escrow account" means an account called an escrow account in any contract.
- (m) "Higher education institution" means a public educational institution, an independent, degree-granting college or university, or an out-of-state institution of higher education.
- (n) "Immediate family" has one of the following meanings:
 - (i) For contracts issued in the years 1988 through 1996, the term means any of the following:
 - (A) The purchaser or any of the following relations of the purchaser:
 - (1) A spouse.
 - (2) A child.
 - (3) A stepchild.
 - (4) An adopted child.
 - (5) A grandchild.
 - (6) A niece or nephew.
 - (7) A ward.
 - (B) Any of the following relations of the beneficiary:
 - (1) A brother or sister.
 - (2) A stepbrother or stepsister.
 - (3) A cousin of the first degree.
 - (4) A mother or father.
 - (C) Another person designated by the board to be a member of the immediate family.
 - (ii) For contracts issued after the year 1996, the term means any of the following relations of the beneficiary:
 - (A) A spouse.
 - (B) A mother or father.
 - (C) A brother or sister.
 - (D) A legally adopted brother or sister.
 - (E) A child.
 - (F) A legally adopted child.
 - (G) A spouse's child.
 - (H) A niece or nephew.
 - (I) A COUSIN OF THE FIRST DEGREE.
 - ~~(iii) For contracts issued after September 30, 1999, the term means any of the following relations of the beneficiary:
 - ~~(a) A spouse.~~
 - ~~(b) A mother or father.~~
 - ~~(c) A brother or sister.~~
 - ~~(d) A legally adopted brother or sister.~~~~
- (o) "Independent, degree-granting college or university" has either of the following meanings:
 - (i) For contracts issued in the years 1988 through 1996, the term means a nonpublic, associate or baccalaureate degree-granting institution of higher education approved by the state board of education and located in this state.
 - (ii) For contracts issued after the year 1996, the term means a nonprofit, nonpublic, associate or baccalaureate degree-granting institution of higher education approved by the state board of education and located in this state.

- (p) "In-district tuition rate" means the tuition rate charged a student who meets the in-district residency requirements established by a particular community or junior college.
- (q) "In-state tuition rate" means the tuition rate charged a student who meets the in-state residency requirements of a particular state institution of higher education.
- (r) "Item" means any of the categories listed and numbered on the signature page of a contract.
- (s) "Lowest tuition cost" means the lowest annual tuition rate charged freshmen, sophomores, juniors, or seniors among all annual tuition rates at any state institution of higher education.
- (t) "Mandatory fee" means any fee, other than charges for credit hours, room, and board, which an educational institution requires all students to pay.
- (u) "New beneficiary" means an individual who is an immediate family member to whom contract rights have been transferred.
- (v) "Out-of-state institution of higher education" has either of the following meanings:
 - (i) For contracts issued in the years 1988 through 1996, the term means a baccalaureate degree-granting college or university located outside this state.
 - (ii) For contracts issued after the year 1996, the term means a nonprofit, baccalaureate degree-granting college or university located outside this state.
- (w) "Person" means an individual who is a resident of the United States or a partnership, trust, association, corporation, or governmental subdivision organized or existing under the laws of the United States or any state of the United States.
- (x) "Plan" means any group of contracts so identified by the trust as a plan.
- (y) "Prepaid tuition amount" means the dollar amount paid for a contract, but does not include an application fee and any contract processing fee set forth in the contract.
- (z) "Public educational institution" means a state institution of higher education or a community or junior college.
- (aa) "Purchaser" means the person designated in a contract who makes, or is obligated to make, advance tuition payments pursuant to a contract. The purchaser, if a natural person, shall be 18 years of age or older or a trustee or a designated custodian under the provisions of 1959 PA 172, MCL 554.451 et seq., or be represented by a court-appointed or approved conservator or guardian.
- (bb) "Resident" means an individual who is domiciled in, or whose state of legal residence is, this state.
- (cc) "Secured loan" means a single-purpose installment payment loan made by a third-party lender to a purchaser for the purpose of making the total contract price.
- (dd) "Termination" means a discontinuance of the right to receive educational benefits under the contract.
- (ee) "Third-party lender" means a savings institution, bank, credit union, or other party which is under contract with the trust to offer secured loans for the purchase of contracts.
- (ff) "Third-party servicer" means a savings institution, bank, credit union, or other party under contract with the trust to service the receipt of contracts and contract payments.
- (gg) "Total contract price" means the amount paid for a contract, including any contract processing fee set forth in the contract, but not including an application fee.
- (hh) "Transfer" means moving all or a portion of the contract rights from the beneficiary to a new beneficiary.
- (ii) "Tuition account" means an account established by the trust in the advance tuition payment fund to hold all monies to provide educational benefits or refunds for plan contracts. This account shall not be subject to a claim for payment by a third-party lender.
- (jj) "Tuition charges" means the undergraduate quarter, term, semester, or trimester charges imposed to attend a higher education institution, including mandatory fees.
- (kk) "Undergraduate fiscal year equated students" means a figure determined for each state institution of higher education by dividing 1/4 of the number of credit hours necessary to receive a 4-year baccalaureate degree at

that state institution of higher education into the number of credit hours for which in-state undergraduate students were enrolled.

(2) Terms defined in the act have the same meanings when used in these rules.

NOTICE OF PUBLIC HEARING

ORR # 2002-012

DEPARTMENT OF TREASURY

HIGHER EDUCATION ASSISTANCE AUTHORITY

MICHIGAN EDUCATION TRUST

The Michigan Department of Treasury will conduct a public hearing at the following time and place to allow comment by interested persons on the amendment of Rule 390.1801 of the General Rules of the Michigan Education Trust. The public hearing will be held in accordance with the Michigan Administrative Procedures Act, MCL 24.201-24.328.

The amendment is authorized by section 11 of the Michigan Education Trust Act, 1986 PA 316, MCL 390.1431. The amendment will change the definition of "immediate family" to provide MET contract beneficiaries with more flexibility to transfer contracts.

The public hearing in this matter is scheduled for:

DATE: August 2, 2002

TIME: 2:00 p.m.

LOCATION: 2nd Floor Conference Room
Michigan Education Trust Office
608 S. Washington
Lansing, MI 48933

All interested persons are invited to testify at the public hearing and to present oral or written statements, opinions, questions or suggestions concerning the proposed rules. The public hearing will begin at the time noted above and will continue until all parties present have had a reasonable opportunity to make their presentation.

In addition, interested parties may submit written comments to Doug Miller, Office of Policy and Research Development, Department of Treasury, Treasury Building, 430 West Allegan Street, Lansing, MI 48909, no later than August 2, 2002.

If adopted, the proposed rules will take effect 7 days after filing with the Secretary of State.

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-015

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS--CARCINOGENS

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of consumer and industry services by sections 14 and 24 of 1974 PA 154 and Executive Reorganization Orders Nos. 1996-1 and 1996-2, MCL 408.1014, 408.1024, 330.3101, and 445.2001)

R 325.35001, R 325.35002, R 325.35003, R 325.35004, R 325.35005, R 325.35006, R 325.35007, R 325.35008, R 325.35009, R 325.35010, and R 325.35011 are added to the Michigan Administrative Code as follows:

CARCINOGENS

R 325.35001 Scope and application.

Rule 1. (1) These rules apply to any area in which the following 13 carcinogens are manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under R 325.35008:

- (a) 4-Nitrobiphenyl, chemical abstracts service register number (CAS No.) 92933.
- (b) alpha-Naphthylamine, CAS No. 134327.
- (c) methyl chloromethyl ether, CAS No. 107302.
- (d) 3,3'-Dichlorobenzidine (and its salts) CAS No. 91941.
- (e) bis-Chloromethyl ether, CAS No. 542881.
- (f) beta-Naphthylamine, CAS No. 91598.
- (g) Benzidine, CAS No. 92875.
- (h) 4-Aminodiphenyl, CAS No. 92671.
- (i) Ethyleneimine, CAS No. 151564.
- (j) beta-Propiolactone, CAS No. 57578.
- (k) 2-Acetylaminofluorene, CAS No. 53963.
- (l) 4-Dimethylaminoazo-benzene, CAS No. 60117.
- (m) N-Nitrosodimethylamine, CAS No. 62759.

(2) These rules shall not apply to the following:

- (a) Solid or liquid mixtures containing less than 0.1% by weight or volume of any of the following:
 - (i) 4-Nitrobiphenyl.

- (ii) Methyl chloromethyl ether.
 - (iii) Bis-chloromethyl ether.
 - (iv) Beta-Naphthylamine.
 - (v) Benzidine.
 - (vi) 4-Aminodiphenyl.
 - (b) Solid or liquid mixtures containing less than 1.0% by weight or volume of any of the following:
 - (i) Alpha-Naphthylamine.
 - (ii) 3,3'-Dichlorobenzidine (and its salts).
 - (iii) Ethyleneimine.
 - (iv) Beta-Propiolactone.
 - (v) 2-Acetylaminofluorene.
- June 24, 2002
- (vi) 4-Dimethylaminoazobenzene.
 - (vii) N-Nitrosodimethylamine.
 - (3) These rules replace OH rules 2301 and 2302.

R 325.35002 Definitions.

Rule 2. As used in these rules:

- (a) "Absolute filter" means a filter capable of retaining 99.97% of a mono disperse aerosol of 0.3 um particles.
- (b) "Authorized employee" means an employee whose duties require him or her to be in the regulated area and who has been specifically assigned by the employer.
- (c) "Carcinogens" means all materials covered in the scope of these rules as described in R 325.35001.
- (d) "Clean change room" means a room where employees put on clean clothing, protective equipment, or both, in an environment free of the 13 carcinogens.
- (e) "Closed system" means an operation involving a carcinogen where containment prevents the release of the material into regulated areas, non-regulated areas, or the external environment.
- (f) "Decontamination" means the inactivation of a carcinogen or its safe disposal.
- (g) "Disposal" means the safe removal of the carcinogens from the work environment.
- (h) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of a carcinogen that may result in exposure to or contact with the material.
- (i) "External environment" means any environment external to regulated and nonregulated areas.
- (j) "Isolated system" means a fully enclosed structure other than the vessel of containment of a carcinogen that is impervious to the passage of the material and would prevent the entry of the carcinogen into regulated areas, nonregulated areas, or the external environment if leakage or spillage from the vessel of containment occurs.
- (k) "Laboratory-type hood" means a device which is enclosed on the 3 sides and the top and bottom, which is designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute, and which is designed, constructed, and maintained so that an operation involving a carcinogen within the hood does not require the insertion of any portion of any employee's body other than his or her hands and arms.
- (l) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.
- (m) "Open-vessel system" means an operation involving a carcinogen in an open vessel that is not in an isolated system, a laboratory-type hood, nor in any other system affording equivalent protection against the entry of the material into regulated areas, non-regulated areas, or the external environment.

- (n) “Protective clothing” means clothing designed to protect an employee against contact with or exposure to a carcinogen.
- (o) “Regulated area” means an area where entry and exit is restricted and controlled.

R 325.35003 Requirements for areas containing a carcinogen.

Rule 3. (1) An employer shall ensure that a regulated area be established where a carcinogen is manufactured, processed, used, repackaged, released, handled, or stored.

(2) All areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated systems. An employer shall ensure that if an isolated system is used, the employees working with a carcinogen within an isolated system such as a “glove box” wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed system operation. An employer shall ensure that access to regulated areas be restricted to authorized employees where the carcinogens are stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while the carcinogens are contained within.

(4) If employees are exposed to any of the following then employers shall ensure that employees wash hands, forearms, face, and neck upon each exit from the regulated areas, close to the point of exit, and before engaging in other activities:

- (a) 4-Nitrobiphenyl.
- (b) Alpha-Naphthylamine.
- (c) 3,3'-Dichlorobenzidine (and its salts).
- (d) Beta-Naphthylamine.
- (e) Benzidine.
- (f) 4-Aminodiphenyl.
- (g) 2-Acetylaminofluorene.
- (h) 4-Dimethylaminoazo-benzene.
- (i) N-Nitrosodimethylamine.

(5) An employer shall ensure that open-vessel system operations as defined in R 325.35002(l) are prohibited.

(6) An employer shall ensure compliance with all of the following provisions when operations involve “laboratory-type hoods” or are in locations where carcinogens are contained in an otherwise “closed system,” but are transferred, charged, or discharged into other normally closed containers:

- (a) Access shall be restricted to authorized employees only.
- (b) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas, or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.
- (c) Employees shall be provided with, and required to wear, clean, full body protective clothing, such as smocks, coveralls, or long-sleeved shirt and pants, shoe covers, and gloves before entering a regulated area.
- (d) Employees engaged in handling operations involving carcinogens shall be provided with, and required to wear and use, a half-face filter-type respirator with filters for dusts, mists, and fumes, or air-purifying canisters or cartridges. A respirator affording higher levels of protection than a half-face filter-type respirator may be substituted.
- (e) Before each exit from a regulated area, an employer shall require employees to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day and to place used clothing and

equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of the impervious containers shall be identified in accordance with R 325.35008.

(f) Drinking fountains are prohibited in a regulated area.

(g) Employees shall be required to wash hands, forearms, face, and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities. An employer shall require employees exposed to any of the following to shower after the last exit of the day:

(i) 4-Nitrobiphenyl.

(ii) Alpha-Naphthylamine.

(iii) 3,3'-Dichlorobenzidine (and its salts).

(iv) Beta-Naphthylamine.

(v) Benzidine.

(vi) 4-Aminodiphenyl.

(vii) 2-Acetylaminofluorene.

(viii) 4-Dimethylaminoazo-benzene.

(ix) N-Nitrosodimethylamine.

(7) If cleanup of leaks of spills, maintenance, or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with a carcinogen could result, then an employer shall ensure that each authorized employee entering that area comply to all of the following requirements:

(a) Wear clean, impervious garments, including gloves, boots, and a continuous air-supplied hood in accordance with 29 C.F.R. §1910.134 as adopted by reference in occupational health standard R 325.60051 et seq. being Part 451. Respiratory Protection.

(b) Be decontaminated before removing the protective garments and hood.

(c) Shower upon removing the protective garments and hood.

(8) Laboratory activities. All of the following requirements apply to research and quality control activities involving the use of a carcinogen:

(a) Mechanical pipetting aids shall be used for all pipetting procedures.

(b) Experiments, procedures, and equipment that could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(c) Surfaces on which a carcinogen is handled shall be protected from contamination.

(d) Contaminated wastes and animal carcasses shall be collected in impervious containers that are closed and decontaminated before removal from the work area. The wastes and carcasses shall be incinerated in a manner so that carcinogenic products are not released.

(e) All other forms of carcinogens shall be inactivated before disposal.

(f) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters.

(g) An employer shall ensure that all of the following provisions are met for employees engaged in animal support activities:

(i) Employees shall be provided, and required to wear, a complete protective clothing change, clean each day, including coveralls, or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices.

(ii) Employees shall remove and leave protective clothing and equipment at the point of exit before each exit from a regulated area and at the last exit of the day and place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. Containers shall comply with requirements set forth in R 325.35008.

- (iii) Employees shall wash hands, forearms, face, and neck upon each exit from a regulated area close to the point of exit and before engaging in other activities.
- (iv) Employees shall shower after the last exit of the day.
- (h) An employer shall ensure that all of the following provisions are met for employees engaged in animal support activities:
 - (i) Provide, and require employees to wear, a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.
 - (ii) Employees shall remove and leave protective clothing and equipment at the point of exit before each exit from a regulated area and at the last exit of the day and place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. Containers shall comply with the requirements set forth in R 325.35008.
 - (iii) Employees shall wash hands, forearms, face, and neck upon each exit from the regulated area close to the point of exit and before engaging in other activities.
- (i) Air pressure in laboratory areas and animal rooms where a carcinogen is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas, or the external environment unless decontaminated.
- (j) There shall not be a connection between regulated areas and any other areas through the ventilation system.
- (k) An employer shall maintain a current inventory of carcinogens.
- (l) Ventilated apparatus, such as laboratory-type hoods, shall be tested at least semiannually or immediately after ventilation modification or maintenance operations, by personnel who are fully qualified to certify correct containment and operation.

R 325.35004 General regulated area requirements.

- Rule 4. (1) A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters shall be retained for a period of 20 years. The rosters or summaries shall be provided upon request to the director or his or her authorized representative. If an employer ceases business without a successor, then rosters shall be forwarded by registered mail to the director.
- (2) An employer shall implement a respiratory protection program in accordance with 29 C.F.R. 1910.134 (b), (c), (d), (except (d)(1)(iii) and (iv), and (d)(3)), and (e) through (m) as adopted by reference in R 325.60051 et seq. being Part 451. Respiratory Protection.
- (3) An employer shall ensure that in an emergency, immediate measures are implemented, including, but not limited to, all of the following measures:
- (a) Evacuate the potentially affected area as soon as the emergency has been determined.
 - (b) Eliminate the hazardous conditions created by the emergency and decontaminate the potentially affected area before resuming normal operations.
 - (c) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report in accordance with R 325.35010.
 - (d) Employees shall shower as soon as possible, unless contraindicated by physical injuries, when an employee has a known contact with a carcinogen.
 - (e) An incident report on the emergency shall be reported in accordance with R 325.35010.
 - (f) Emergency deluge showers and eyewash fountains supplied with running potable water shall be located near, within sight of, and on the same level as, locations where a direct exposure to ethyleneimine or beta-Propiolactone only would be most likely as a result of equipment failure or improper work practice.

R 325.35005 Hygiene facilities and practices.

Rule 5. (1) An employer shall take measures to prevent all of the following in regulated areas:

- (a) The storage or consumption of food.
- (b) The storage or use of containers of beverages.
- (c) The storage or application of cosmetics.
- (d) Smoking.
- (e) The storage of smoking materials, tobacco products, or other products for chewing.
- (f) The chewing of the items specified in subdivision (e) of this subrule.
- (2) If employees are required by these rules to wash, then washing facilities shall be provided in accordance with occupational health rule 4201(4), being Part 474. Sanitation.
- (3) If employees are required by these rules to shower, then shower facilities shall be provided in accordance with occupational health rule 4201(4), being Part 474. Sanitation.
- (4) If employees wear protective clothing and equipment, then clean change rooms shall be provided for the number of employees who are required to change clothes in accordance with occupational health rule 4201(5), being Part 474. Sanitation.
- (5) Clean change room shall be contiguous to and have an entry from a shower room.
- (6) If toilets are in regulated areas, then the toilets shall be in a separate room.

R 325.35006 Contamination control.

Rule 6. (1) An employer shall ensure that regulated areas are maintained under pressure negative with respect to nonregulated areas, except for outdoor systems. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air that is removed.

- (2) Equipment, material, or other items shall be taken into, or removed from, a regulated area in a manner that does not cause contamination in nonregulated areas or the external environment.
- (3) Decontamination procedures shall be established and implemented to remove carcinogens from the surfaces of materials, equipment, and the decontamination facility.
- (4) Dry sweeping and dry mopping are prohibited for all of the following:
 - (a) 4-Nitrobiphenyl.
 - (b) Alpha-Naphthylamine.
 - (c) 3,3'-Dichlorobenzidine (and its salts).
 - (d) Beta-Naphthylamine.
 - (e) Benzidine.
 - (f) 4-Aminodiphenyl.
 - (g) 2-Acetylaminofluorene.
 - (h) 4-Dimethylaminoazo-benzene.
 - (i) N-Nitrosodimethylamine.

R 325.35007 Signs .

Rule 7. (1) An employer shall ensure that entrances to regulated areas are posted with signs bearing the following legend:

**CANCER-SUSPECT AGENT
AUTHORIZED PERSONNEL ONLY**

(2) An employer shall ensure that entrances to regulated areas containing operations covered in R 325.35003(7) be posted with signs bearing the following legend:

**CANCER-SUSPECT AGENT EXPOSED IN THIS AREA
IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS,
AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES
AUTHORIZED PERSONNEL ONLY**

(3) An employer shall ensure that appropriate signs and instructions are posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(4) An employer shall ensure that lettering on signs and instructions is a minimum letter height of 2 inches (5 cm).

R 325.35008 Container labeling.

Rule 8. (1) An employer shall ensure that all of the following labeling requirements are complied with:

(a) Containers of a carcinogen and containers required in R 325.35003(6)(e) and (8)(g)(ii) and (h)(ii) that are accessible only to and handled only by authorized employees or by other employees trained in compliance with R 325.35009 may have labeling limited to a generic or proprietary name or other proprietary identification of the carcinogen and percent.

(b) Containers of a carcinogen and containers required in R 325.35003(6)(e) and (8)(g)(ii) and (h)(ii) that are accessible to or handled by employees other than authorized employees or employees trained in compliance with R 325.35009 shall have contents identification that includes the full chemical name and chemical abstracts service registry number as listed in R 325.35001(1).

(c) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(d) Containers that have contents which are carcinogens with corrosive or irritating properties shall have label statements warning of the hazards noting, if appropriate, particularly sensitive or affected portions of the body.

(e) Labels on containers shall be not less than 1/2 the size of the largest lettering on the package and be not less than 8-point type if the lettering is not required to be more than 1 inch (2.5 cm) in height.

(f) Nothing shall appear on or near any required sign, label, or instruction that contradicts or detracts from the effect of any required warning, information, or instruction.

R 325.35009 Training and indoctrination.

Rule 9. (1) An employer shall ensure that each authorized employee, before entering a regulated area and annually, receives training that includes, but is not limited to, all of the following:

(a) The nature of the carcinogenic hazards of a carcinogen to include local and systemic toxicity.

(b) The specific nature of the operation involving a carcinogen that could result in exposure.

(c) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination.

(d) The purpose for and application of decontamination practices and purposes.

(e) The purpose for and significance of emergency practices and procedures.

(f) The employee's specific role in emergency procedures.

(g) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of a carcinogen.

(h) The purpose for and application of specific first aid procedures and practices.

- (2) An employer shall ensure that specific emergency procedures are prescribed, and posted and that employees are familiarized with emergency procedures terminology, and that the procedures are rehearsed.
- (3) All materials relating to the program shall be provided upon request to the director of the department of consumer and industry services or his or her authorized representative.

R 325.35010 Reports.

Rule 10. (1) An employer shall report, in writing, all of the following to the director of the department of consumer and industry services:

- (a) A brief description and in-plant location of the area or areas regulated and the address of each regulated area.
- (b) The name or names and other identifying information of a carcinogen in each regulated area.
- (c) The number of employees in each regulated area, during normal operations, including maintenance activities.
- (d) The manner in which carcinogens are present in each regulated area, whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

Any changes in the information specified in this subrule shall be similarly reported, in writing, within 15 calendar days of the change.

(2) An employer shall ensure that incidents that result in the release of a carcinogen into any area where employees may be potentially exposed are reported in accordance with all of the following provisions:

- (a) A report of the occurrence of the incident and the facts obtainable at that time, including a report on any medical treatment of affected employees, shall be made within 24 hours to the director of the department of consumer and industry services.
- (b) A written report shall be filed with the director of the department of consumer and industry services within 15 calendar days. The report shall contain all of the following information:
 - (i) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining the amount of material released.
 - (ii) A description of the area involved and the extent of known and possible employee exposure and area contamination.
 - (iii) A report of any medical treatment of affected employees and any medical surveillance program implemented.
 - (iv) An analysis of the circumstances of the incident and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

R 325.35011 Medical surveillance, examinations, and medical records.

Rule 11. (1) An employer shall establish and implement, at no cost to employees, a medical surveillance program for employees considered for assignment to enter regulated areas.

(2) An employer shall ensure that a preassignment physical examination by a physician is provided before an employee is assigned to enter a regulated area. The examination shall include the personal history of the employee, family, and occupational background, including genetic and environmental factors.

(3) An employer shall provide periodic physical examinations, at least annually, for authorized employees after the preassignment examination.

(4) For all physical examinations, an employer shall ensure that the examining physician consider whether there exist conditions of increased risk, including reduced immunological competence, treatment with steroids or cytotoxic agents, pregnancy, or cigarette smoking.

(5) Employers of employees examined pursuant to this rule shall maintain complete and accurate records of all medical examinations. Records shall be maintained for the duration of the employee's employment. Upon

termination of the employee's employment, including retirement or death, or if the employer ceases business without a successor, records, or notarized true copies of records shall be forwarded, by registered mail, to the director of the department of consumer and industry services.

(6) An employer shall ensure that records required by this rule be provided upon request in compliance with R 325.3451 et seq., except R 325.3472 and R 325.3472a, being Part 470. Medical Records and Trade Secrets. The records shall also be provided, upon request, to the director of the department of consumer and industry services.

(7) A physician who conducts a medical examination required by this rule shall furnish, to the employer, a statement of the employee's suitability for employment in the specific exposure.

**CERTIFICATE OF NEED
REVIEW STANDARDS**

MCL 24.208 states in part:

Sec. 8. The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(k) All of the items in section 7(l) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.2217.

MCL 24.207 states in part:

Sec. 7. “Rule” means an agency regulation, statement, standard, policy, ruling, or instruction of general applicability that implements or applies law enforced or administered by the agency, or that prescribes the organization, procedure, or practice of the agency, including the amendment, suspension, or rescission of the law enforced or administered by the agency. Rule does not include any of the following:

* * *

(l) All of the following, after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217:

- (i) The designation, deletion, or revision of covered medical equipment and covered clinical services.*
- (ii) Certificate of need review standards*
- (iii) Data reporting requirements and criteria for determining health facility viability.*
- (iv) Standards used by the department of community health in designating a regional certificate of need review agency.*
- (v) The modification of the 100 licensed bed limitation for short-term nursing care programs set forth in section 22210 of the public health code, 1978 PA 368, MCL 333.22210.*

CERTIFICATE OF NEED REVIEW STANDARDS

MICHIGAN DEPARTMENT OF COMMUNITY HEALTH

CERTIFICATE OF NEED REVIEW STANDARDS FOR HOSPITAL BEDS

(By authority conferred on the Certificate of Need Commission by sections 22215 and 22217 of Act No. 368 of the Public Acts of 1978, as amended, and sections 7 and 8 of Act No. 306 of the Public Acts of 1969, as amended, being sections 333.22215, 333.22217, 24.207, and 24.208 of the Michigan Compiled Laws.)

Section 1. Applicability

Sec. 1. (1) These standards are requirements for approval and delivery of services for all projects approved and certificates of need issued under Part 222 of the Code that involve (a) increasing licensed beds in a hospital licensed under Part 215 or (b) physically relocating hospital beds from one licensed site to another geographic location or (c) replacing beds in a hospital or (d) acquiring a hospital or (e) beginning operation of a new hospital.

(2) A hospital licensed under Part 215 is a covered health facility for purposes of Part 222 of the Code.

(3) An increase in licensed hospital beds is a change in bed capacity for purposes of Part 222 of the Code.

(4) The physical relocation of hospital beds from a licensed site to another geographic location is a change in bed capacity for purposes of Part 222 of the Code.

(5) An increase in hospital beds certified for long-term care is a change in bed capacity for purposes of Part 222 of the Code and shall be subject to and reviewed under the Certificate of Need Review Standards for Long-Term-Care Services.

(6) The Department shall use sections 3, 4, 5, 6, 7, 9, and 14 of these standards and Section 2 of the Addendum for Projects for HIV Infected Individuals, as applicable, in applying Section 22225(1) of the Code, being Section 333.22225(1) of the Michigan Compiled Laws.

(7) The Department shall use Section 8 of these standards and Section 3 of the Addendum for Projects for HIV Infected Individuals, as applicable, in applying Section 22225(2)(c) of the Code, being Section 333.22225(2)(c) of the Michigan Compiled Laws.

Section 2. Definitions

Sec. 2. (1) As used in these standards:

(a) "Acquiring a hospital" means the issuance of a new hospital license as the result of the acquisition (including purchase, lease, donation, or other comparable arrangements) of a hospital with a valid license and which does not involve a change in bed capacity.

(b) "Alcohol and substance abuse hospital," for purposes of these standards, means a licensed hospital within a long-term (acute) care hospital that exclusively provides inpatient medical detoxification and medical stabilization and related outpatient services for persons who have a primary diagnosis of substance dependence covered by DRGs 433 - 437.

(c) "Base year" means the 1997 calendar year of MIDB data until otherwise changed by the Commission.

- (d) "Code" means Act No. 368 of the Public Acts of 1978, as amended, being Section 333.1101 et seq. of the Michigan Compiled Laws.
- (e) "Department inventory of beds" means the current list maintained for each hospital subarea on a continuing basis by the Department of (i) licensed hospital beds and (ii) hospital beds approved by a valid certificate of need issued under either Part 221 or Part 222 of the Code that are not yet licensed. The term does not include hospital beds certified for long-term-care in hospital long-term care units.
- (f) "Discharge relevance factor" (%R) means a mathematical computation where the numerator is the inpatient hospital discharges from a specific zip code for a specified hospital subarea and the denominator is the inpatient hospital discharges for any hospital from that same specific zip code.
- (g) "Existing hospital beds" means, for a specific hospital subarea, the total of all of the following: (i) hospital beds licensed by the Department of Consumer & Industry Services; (ii) hospital beds with valid certificate of need approval but not yet licensed; (iii) proposed hospital beds under appeal from a final decision of the Department; and (iv) proposed hospital beds that are part of a completed application under Part 222 (other than the application under review) for which a proposed decision has been issued and which is pending final Department decision.
- (h) "Health service area" means the groups of counties listed in section 15.
- (i) "Hospital bed" means a bed within the licensed bed complement at a licensed site of a hospital licensed under Part 215 of the Code, excluding (i) hospital beds certified for long-term care as defined in Section 20106(6) of the Code and (ii) unlicensed newborn bassinets.
- (j) "Hospital" means a hospital as defined in Section 20106(5) of the Code being Section 333.20106(5) of the Michigan Compiled Laws and licensed under Part 215 of the Code. The term does not include a hospital or hospital unit licensed or operated by the Department of Mental Health.
- (k) "Hospital long-term-care unit" or "HLTCU" means a nursing care unit, owned or operated by and as part of a hospital, licensed by the Department of Consumer & Industry Services, and providing organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury, or infirmity.
- (l) "Hospital subarea" or "subarea" means a cluster or grouping of hospitals and the relevant portion of the state's population served by that cluster or grouping of hospitals. For purposes of these standards, hospital subareas and the hospitals assigned to each subarea are set forth in Appendix A.
- (m) "Host hospital," for purposes of these standards, means an existing licensed hospital, which delicensures hospital beds, and which leases patient care space and other space within the physical plant of the host hospital, to allow a long-term (acute) care hospital, or alcohol and substance abuse hospital, to begin operation.
- (n) "Licensed site" means either (i) in the case of a single site hospital, the location of the facility authorized by license and listed on that licensee's certificate of licensure or (ii) in the case of a hospital with multiple sites, the location of each separate and distinct inpatient unit of the health facility as authorized by license and listed on that licensee's certificate of licensure.
- (o) "Long-term (acute) care hospital," for purposes of these standards, means a hospital has been approved to participate in the Title XVIII (Medicare) program as a prospective payment system (PPS) exempt hospital in accordance with 42 CFR Part 412.
- (p) "Market forecast factors" (%N) means a mathematical computation where the numerator is the number of total inpatient discharges indicated by the market survey forecasts and the denominator is the base year MIDB discharges.
- (q) "Michigan Inpatient Data Base" or "MIDB" means the data base compiled by the Michigan Health and Hospital Association or successor organization. The data base consists of inpatient discharge records from all Michigan hospitals and Michigan residents discharged from hospitals in border states for a specific calendar year.

(r) "New beds in a hospital" means hospital beds that meet at least one of the following: (i) are not currently licensed as hospital beds, (ii) are currently licensed hospital beds at a licensed site in one subarea which are proposed for relocation in a different subarea as determined by the Department pursuant to Section 3 of these standards, (iii) are currently licensed hospital beds at a licensed site in one subarea which are proposed for relocation to another geographic site which is in the same subarea as determined by the Department, but which are not in the replacement zone, or (iv) are currently licensed hospital beds that are proposed to be licensed as part of a new hospital in accordance with Section 6(2) of these standards.

(s) "New hospital" means one of the following: (i) the establishment of a new facility that shall be issued a new hospital license, (ii) for currently licensed beds, the establishment of a new licensed site that is not in the same hospital subarea as the currently licensed beds, (iii) currently licensed hospital beds at a licensed site in one subarea which are proposed for relocation to another geographic site which is in the same subarea as determined by the Department, but which are not in the replacement zone, or (iv) currently licensed hospital beds that are proposed to be licensed as part of a new hospital in accordance with section 6(2) of these standards.

(t) "Overbedded subarea" means a hospital subarea in which the total number of existing hospital beds in that subarea exceeds the subarea needed hospital bed supply as set forth in Appendix C.

(u) "Planning year" means the year in the future, established by the Certificate of Need Commission, for which hospital bed need is developed.

(v) "Relevance index" or "market share factor" (%Z) means a mathematical computation where the numerator is the number of inpatient hospital patient days provided by a specified hospital subarea from a specific zip code and the denominator is the total number of inpatient hospital patient days provided by all hospitals to that specific zip code using MIDB data.

(w) "Replacement beds in a hospital" means hospital beds that meet all of the following conditions; (i) an equal or greater number of hospital beds are currently licensed to the applicant at the licensed site at which the proposed replacement beds are currently licensed; (ii) the hospital beds are proposed for replacement in new physical plant space being developed in new construction or in newly acquired space (purchase, lease, donation, etc.); and (iii) the hospital beds to be replaced will be located in the replacement zone.

(x) "Replacement zone" means a proposed licensed site that is (i) in the same subarea as the existing licensed site as determined by the Department in accord with Section 3 of these standards and (ii) on the same site, on a contiguous site, or on a site within 2 miles of the existing licensed site if the existing licensed site is located in a county with a population of 200,000 or more, on a site within 5 miles of the existing licensed site if the existing licensed site is located in a county with a population of less than 200,000, or on a site within 10 miles of the existing licensed site if the applicant meets the requirements of Section 7(4) of these standards.

(y) "Rural county" means a county in Michigan that is not within a Consolidated Metropolitan Statistical Area (CMSA), Primary Metropolitan Statistical Area (PMSA), or Metropolitan Statistical Area (MSA) as defined by the U. S. Department of Commerce, Bureau of Census and as shown in Appendix B.

(z) "Utilization rate" or "use rate" means the number of days of inpatient care per 1,000 population during a one-year period.

(aa) "Zip code population" means the latest population estimates for the base year and projections for the planning year, by zip code.

(2) The definitions in Part 222 shall apply to these standards.

Section 3. Hospital subareas

Sec. 3. (1)(a) Each existing hospital is assigned to a hospital subarea as set forth in Appendix A which is incorporated as part of these standards.

(b) For an application involving a proposed new licensed site for a hospital (whether new or replacement), the proposed new licensed site shall be assigned to an existing hospital subarea utilizing a market survey conducted by the applicant and submitted with the application. The market survey shall provide, at a minimum, forecasts of the number of inpatient discharges for each zip code that the proposed new licensed site shall provide service. The forecasted numbers must be for the same year as the base year MIDB data. The market survey shall be completed by the applicant using accepted standard statistical methods. The market survey, if determined by the Department to be reasonable pursuant to Section 13, shall be used by the Department to assign the proposed new site to an existing subarea as follows:

- (i) For the proposed new site, a market forecast factor for each of the zip codes identified in the application will be computed. Zip codes with a market forecast factor of less than .05 will be deleted from consideration.
- (ii) The base year MIDB data will be used to compute discharge relevance factors (%Rs) for each hospital subarea for each of the zip codes identified in step (i) above. Hospital subareas with a %R of less than .05 for all zip codes identified in step (i) will be deleted from the computation.
- (iii) For each of the zip codes identified in step (i), compare %Rs among subareas identified in step (ii). The hospital subarea with the largest %R will have the entire zip code assigned to that subarea.
- (iv) The base year total zip code population allocations corresponding to the assignments in step (iii) to a specific hospital subarea are multiplied by the %N calculated in step (i) for that zip code. The results of all multiplications within a hospital subarea are added together to obtain a subarea total.
- (v) The hospital subarea with the largest total calculated in step (iv) shall have the proposed new licensed site assigned to that subarea.

(2) The Department shall amend Appendix A to reflect:

(a) approved new licensed site(s) assigned to a specific hospital subarea; (b) hospital closures; and (c) licensure action(s) as appropriate.

Section 4. Determination of the needed hospital bed supply

Sec. 4. (1) The determination of the needed hospital bed supply for a hospital subarea for a planning year shall be made using the MIDB and population estimates and projections by zip code in the following methodology:

- (a) All hospital discharges for normal newborns (DRG 391) and psychiatric patients (ICD-9-CM codes 290 through 319 as a principal diagnosis) will be excluded.
- (b) The statewide patient day use rates for ages 0 (excluding normal newborns) through 14 (pediatric), ages 15 through 64, ages 65 through 74, and 75 and older are calculated using the base year MIDB data.
- (c) For each hospital subarea, calculate the relevance index (%Z) for each zip code and each age group used by the subarea.
- (d) For each hospital subarea, multiply each zip code %Z calculated in (c) by its respective base year zip code and age group specific year population. The result will be the zip code allocations by age group for each subarea.
- (e) For each hospital subarea, calculate the subarea base year population by age group by adding together all zip code population allocations calculated in (d) for each specific age group in that subarea. The result will be four population age groups for each zip code in the subarea.
- (f) For each hospital subarea, calculate the patient day use rates for ages 0 (excluding normal newborns) through 14 (pediatric), ages 15 through 64, ages 65 through 74, and ages 75 and older by using results of the calculations in (e). Data from non-Michigan residents are to be included for each specific age group.

- (g) For each hospital subarea, compare the use rates calculated in (c) with (b). For each age group, use the lesser of the statewide rate or the subarea specific rate.
- (h) For each hospital subarea, multiply each zip code %Z calculated in (c) by its respective planning year zip code and age group specific year population. The results will be the projected zip code allocations by age group for each subarea.
- (i) For each hospital subarea, calculate the subarea projected year population by age group by adding together all projected zip code population allocations calculated in (h) for each specific age group. The result will be four population age groups for each zip code in the subarea.
- (j) For each hospital subarea, calculate the subarea projected patient days for each age group by multiplying the four projected populations by age group calculated in step (i) by the age specific use rates identified in step (g).
- (k) For each hospital subarea, calculate the total subarea projected patient days by adding together each age group specific projected patient days calculated in (j).
- (l) For each hospital subarea, calculate the subarea projected average daily census (ADC) by dividing the results calculated in (k) by 365 (or 366 if the planning year is a leap year).
- (m) For each hospital subarea, select the appropriate subarea occupancy rate from the occupancy rate table in Appendix D.
- (n) For each hospital subarea, calculate the subarea projected bed need number of hospital beds for the subarea by dividing the ADC calculated in (l) by the appropriate occupancy rate determined in (m). Round any part of a bed up to a whole bed.

Section 5. Bed Need

- Sec. 5. (1) The bed-need numbers incorporated as part of these standards as Appendix C shall apply to projects subject to review under these standards, except where a specific certificate of need review standard states otherwise.
- (2) The Commission may direct the Department to calculate the acute care bed need methodology in Section 4, within a specified time frame.
 - (3) The Commission shall designate the base year and the future planning year which shall be utilized in applying the methodology pursuant to subsection (2).
 - (4) When the Department is directed by the Commission to apply the methodology pursuant to subsection (2), the effective date of the bed-need numbers shall be established by the Commission.
 - (5) New bed-need numbers established by subsections (2) and (3) shall supersede the bed-need numbers shown in Appendix C and shall be included as an amended appendix to these standards.

Section 6. Requirements for approval -- new beds in a hospital

- Sec. 6. (1) An applicant proposing new beds in a hospital, except an applicant meeting the requirements of subsection 2, shall demonstrate that it meets all of the following:
- (a) The new beds in a hospital shall result in a hospital of at least 200 beds in a non-rural county or 50 beds in a rural county. This subsection may be waived by the Department if the Department determines, in its sole discretion, that a smaller hospital is necessary or appropriate to assure access to health-care services.
 - (b) The total number of existing hospital beds in the subarea to which the new beds will be assigned does not currently exceed the needed hospital bed supply as set forth in Appendix C. The Department shall determine the subarea to which the beds will be assigned in accord with Section 3 of these standards.

(c) Approval of the proposed new beds in a hospital shall not result in the total number of existing hospital beds, in the subarea to which the new beds will be assigned, exceeding the needed hospital bed supply as set forth in Appendix C. The Department shall determine the subarea to which the beds will be assigned in accord with Section 3 of these standards.

(2) An applicant proposing to begin operation as a new long-term (acute) care hospital or alcohol and substance abuse hospital within an existing licensed, host hospital shall demonstrate that it meets all of the requirements of this subsection:

(a) If the long-term (acute) care hospital applicant described in this subsection does not meet the Title XVIII requirements of the Social Security Act for exemption from PPS as a long-term (acute) care hospital within 12 months after beginning operation, then it may apply for a six-month extension in accordance with R325.9403 of the certificate of need rules. If the applicant fails to meet the Title XVIII requirements for PPS exemption as a long-term (acute) care hospital within the 12 or 18-month period, then the certificate of need granted pursuant to this section shall expire automatically.

(b) The patient care space and other space to establish the new hospital is being obtained through a lease arrangement between the applicant and the host hospital. The initial, renewed, or any subsequent lease shall specify at least all of the following:

(i) That the host hospital shall delicense the same number of hospital beds proposed by the applicant for licensure in the new hospital.

(ii) That the proposed new beds shall be for use in space currently licensed as part of the host hospital.

(iii) That upon non-renewal and/or termination of the lease, upon termination of the license issued under Part 215 of the act to the applicant for the new hospital, or upon noncompliance with the project delivery requirements or any other applicable requirements of these standards, the beds licensed as part of the new hospital must be disposed of by one of the following means:

(A) Relicensure of the beds to the host hospital. The host hospital must obtain a certificate of need to acquire the long-term (acute) care hospital. In the event that the host hospital applies for a certificate of need to acquire the long-term (acute) care hospital [including the beds leased by the host hospital to the long-term (acute) care hospital] within six months following the termination of the lease with the long-term (acute) care hospital, it shall not be required to be in compliance with the hospital bed supply set forth in Appendix C if the host hospital proposes to add the beds of the long-term (acute) care hospital to the host hospital's medical/surgical licensed capacity and the application meets all other applicable project delivery requirements. The beds must be used for general medical/surgical purposes. Such an application shall not be subject to comparative review and shall be processed under the procedures for non-substantive review (as this will not be considered an increase in the number of beds originally licensed to the applicant at the host hospital);

(B) Delicensure of the hospital beds; or

(C) Acquisition by another entity that obtains a certificate of need to acquire the new hospital in its entirety and that entity must meet and shall stipulate to the requirements specified in Section 6(2).

(c) The applicant or the current licensee of the new hospital shall not apply, initially or subsequently, for certificate of need approval to initiate any other certificate of need covered clinical services; provided, however, that this section is not intended, and shall not be construed in a manner which would prevent the licensee from contracting and/or billing for medically necessary covered clinical services required by its patients under arrangements with its host hospital or any other certificate of need approved provider of covered clinical services.

(d) The new licensed hospital shall remain within the host hospital.

(e) The new hospital shall be assigned to the same subarea as the host hospital.

- (f) The proposed project to begin operation of a new hospital, under this subsection, shall constitute a change in bed capacity under Section 1(3) of these standards.
- (g) The lease will not result in an increase in the number of licensed hospital beds in the subarea.
- (h) Applications proposing a new hospital under this subsection shall not be subject to comparative review.

Section 7. Requirements for approval -- replacement beds in a hospital in a replacement zone

Sec. 7. (1) If the application involves the development of a new licensed site, an applicant proposing replacement beds in a hospital in the replacement zone shall demonstrate that the proposed project meets the requirements of Section 6(1)(a).

(2) In order to be approved, the applicant shall propose to (i) replace an equal or lesser number of beds currently licensed to the applicant at the licensed site at which the proposed replacement beds are located, and (ii) that the proposed new licensed site is in the replacement zone.

(3) An applicant proposing replacement beds in the replacement zone shall not be required to be in compliance with the needed hospital bed supply set forth in Appendix C if the application meets all other applicable certificate of need review standards and agrees and assures to comply with all applicable project delivery requirements.

(4) AS A PILOT PROGRAM, IN COUNTIES HAVING A POPULATION OF NOT LESS THAN 500,000 NOR MORE THAN 750,000 PERSONS, AN APPLICANT PROPOSING TO REPLACE AN EXISTING LICENSED NON-RURAL HOSPITAL BEYOND 2 MILES BUT WITHIN: (A) THE APPLICABLE REPLACEMENT ZONE, (B) TEN MILES FROM THE EXISTING LICENSED HOSPITAL SITE, AND (C) THE SAME HOSPITAL SUBAREA, SHALL DEMONSTRATE SATISFACTORILY TO THE DEPARTMENT THE FOLLOWING:

(a) At least 45 percent of the land owned by the applicant on the perimeter of the existing licensed hospital site, or land adjacent to the existing licensed hospital site that may or may not be owned by the hospital, including land directly across a public street adjacent to the existing licensed hospital site if the perimeter of the hospital site is bound in part by the public street, cannot be used for general hospital purposes due to recorded restrictions on the hospital's use of that land. Such recorded restrictions shall have been in effect prior to January 1, 2000.

(b) That it is unable to acquire land sufficient to replace the licensed hospital facility for any of the following reasons:

- (i) There is insufficient land available to purchase, for a replacement hospital, within a 2-mile radius of the existing licensed hospital site,
- (ii) Land within a 2-mile radius is inappropriate to build a licensed hospital upon, or
- (iii) It is prohibitively expensive (i.e., priced above fair market value) to purchase land within a 2-mile radius.

(c) That access to health care for the indigent, lower income, and disadvantaged is assured through a combination of retained clinic services at or within two miles of the original site, with available public or facility provided transportation to the relocation site, or by other appropriate means.

(d) Formal support for the replacement of the hospital is demonstrated by a resolution or letter of support of the elected governing body of the minor civil division (i.e., city, township, or incorporated village) in which the major portion of the current licensed hospital site is located.

(e) A clear and convincing showing of the need for replacement of the hospital must be demonstrated by the applicant and approved by the Department. For example:

- (i) significant improvements in the efficiency, safety, and/or quality of health care delivery;
- (ii) hospital is obsolete;

- (iii) building code violations cannot be remedied without new construction;
- (iv) inability to accommodate new equipment;
- (v) deficiencies cannot be remedied by repairs or replacement on the existing site.
- (f) Quality of care will be maintained, if not enhanced, as a result of the relocation, through a resolution by the governing board of the applicant.
- (g) Commitment to continuing compliance with applicable licensing and certification requirements.
- (h) The hospital has an annual licensed hospital bed occupancy rate of at least 45% according to the Department's most recently completed report(s) of the "Annual Hospital Statistical Questionnaire" or more recent data supplied by the applicant and acceptable to the Department.
- (5) The replacement zone as defined in Section 2(1)(x) and as applied to Section 7(4) shall supercede the relocation zone or replacement zone, as applicable, as identified in the certificate of need standards for covered clinical services when applied in conjunction with Section 7(4) of these standards.
- (6) The provisions of Section 7(4) are part of a pilot program approved by the Certificate of Need Commission and shall expire and be of no further force and effect, and shall not be applicable to any application which has not been deemed complete in accordance with Rule 325.9201 prior to December 31, 2002. The Department shall report to the Certificate of Need Commission within 180 days following the expiration of Section 7(4) on the number of applications received and approved, the total capital expenditures approved, and the projected cost savings to be realized, if any.

Section 8. Project delivery requirements -- terms of approval for all applicants

Sec. 8. (1) An applicant shall agree that, if approved, the project shall be delivered in compliance with the following terms of certificate of need approval:

- (a) Compliance with these standards
- (b) Compliance with applicable operating standards
- (c) Compliance with the following quality assurance standards:
 - (i) The applicant shall notify the Department within 10 days of the date the hospital beds are placed in operation.
 - (ii) The applicant shall assure compliance with Section 20201 of the Code, being Section 333.20201 of the Michigan Compiled Laws.
 - (iii) The applicant shall participate in a data collection network established and administered by the Department or its designee. The data may include, but is not limited to, annual budget and cost information and demographic, diagnostic, morbidity, and mortality information, as well as the volume of care provided to patients from all payor sources. The applicant shall provide the required data on a separate basis for each licensed site; in a format established by the Department, and in a mutually agreed upon media. The Department may elect to verify the data through on-site review of appropriate records.
- (A) The applicant shall participate and submit data to the Michigan Inpatient Data Base (MIDB). The data shall be submitted to the Department or its designee.
- (2) The agreements and assurances required by this section shall be in the form of a certification authorized by the governing body of the applicant or its authorized agent.

Section 9. Rural Michigan counties

Sec. 9. Rural Michigan counties, for purposes of these standards, are incorporated as part of these standards as Appendix B. The Department may amend Appendix B as appropriate to reflect changes by the U.S. Department of Commerce, Bureau of Census.

Section 10. Department inventory of beds

Sec. 10. The Department shall maintain and provide on request a listing of the Department inventory of beds for each subarea.

Section 11. Effect on prior planning policies; comparative reviews

Sec. 11. (1) These certificate of need review standards supersede and replace the certificate of need standards for hospital beds approved by the Certificate of Need Commission on March 20, 2001 and effective May 10, 2001.

(2) Projects reviewed under these standards shall be subject to comparative review except those projects meeting the requirements of replacement of an existing hospital within the replacement zone and projects involving acquisition (including purchase, lease, donation or comparable arrangements) of a hospital.

Section 12. Additional requirements for applications included in comparative reviews

Sec. 12. (1) Any application subject to comparative review under Section 22229 of the Code being Section 333.22229 of the Michigan Compiled Laws or these standards shall be grouped and reviewed with other applications in accordance with the certificate of need rules applicable to comparative reviews.

(2) Each application in a comparative review group shall be individually reviewed to determine whether the application has satisfied all the requirements of Section 22225 of the Code being Section 333.22225 of the Michigan Compiled Laws and all other applicable requirements for approval in the Code and these standards. If the Department determines that one or more of the competing applications satisfies all of the requirements for approval, these projects shall be considered qualifying projects. The Department shall approve those qualifying projects which, taken together, do not exceed the need, as defined in Section 22225(1), in the order the Department determines the projects most fully promote the availability of quality health services at reasonable cost.

Section 13. Documentation of market survey

Sec. 13. An applicant required to conduct a market survey under Section 3 shall specify how the market survey was developed. This specification shall include a description of the data source(s) used, assessments of the accuracy of these data, and the statistical method(s) used. Based on this documentation, the Department shall determine if the market survey is reasonable.

Section 14. Requirements for approval -- acquisition of a hospital

Sec. 14. (1) An applicant proposing to acquire a hospital shall not be required to be in compliance with the needed hospital bed supply set forth in Appendix C for the subarea in which the hospital subject to the proposed acquisition is assigned if the applicant demonstrates that all of the following are met:

- (a) the acquisition will not result in a change in bed capacity,
- (b) the licensed site does not change as a result of the acquisition,
- (c) the project is limited solely to the acquisition of a hospital with a valid license, AND

(d) if the application is to acquire a hospital, which was proposed in a prior application to be established as a long-term (acute) care hospital (LTAC) and which received certificate of need approval, the applicant also must meet the requirements of Section 6(2). Those hospitals that received such prior approval are so identified in Appendix A.

Section 15. Health service areas

Sec. 15. Counties assigned to each of the health service areas are as follows:

HSA	COUNTIES		
1 - Southeast	Livingston Macomb Wayne	Monroe Oakland	St. Clair Washtenaw
2 - Mid-Southern	Clinton Eaton	Hillsdale Ingham	Jackson Lenawee
3 - Southwest	Barry Berrien Branch	Calhoun Cass Kalamazoo	St. Joseph Van Buren
4 - West	Allegan Ionia Kent Lake	Mason Mecosta Montcalm Muskegon	Newaygo Oceana Osceola Ottawa
5 - GLS	Genesee	Lapeer	Shiawassee
6 - East	Arenac Bay Clare Gladwin Gratiot	Huron Iosco Isabella Midland Ogemaw	Roscommon Saginaw Sanilac Tuscola
7 - Northern Lower	Alcona Alpena Antrim Benzie Charlevoix Cheboygan	Crawford Emmet Gd Traverse Kalkaska Leelanau Manistee	Missaukee Montmorency Oscoda Otsego Presque Isle Wexford
8 - Upper Peninsula	Alger Baraga Chippewa Delta Dickinson	Gogebic Houghton Iron Keweenaw Luce	Mackinac Marquette Menominee Ontonagon Schoolcraft

APPENDIX A**CERTIFICATE OF NEED REVIEW STANDARDS**
FOR HOSPITAL BEDS

Hospital subarea assignments

Health Service Area	Sub Area	Hospital Name	City
<hr/>			
1 - Southeast			
	47	Brighton	Brighton
	47	McPherson Community Hlth Ctr	Howell
	48	Crittenton	Rochester
	48	Huron Valley-Sinai	Milford
	48	Select Specialty (LTAC - Fac #63-0172)*	Pontiac
	48	No. Oakland Medical Ctr	Pontiac
	48	Pontiac Osteopathic	Pontiac
	48	St. Joseph Mercy - Oakland	Pontiac
	49	Mount Clemens General	Mt Clemens
	49	St. John North Shores Hospital	Mt Clemens
	49	St Joseph Mercy - Almont (a)	Romeo
	49	St Joseph Mercy - East (a)	Mt Clemens
	49	St Joseph Mercy - West (a)	Mt Clemens
	49	Select Specialty (LTAC - Fac #50-0111)*	Mt. Clemens
	50	Mercy Hospital	Port Huron
	50	Port Huron	Port Huron
	50	St. John River District	St Clair
	57	Forest Health Medical Center	Ypsilanti
	57	Chelsea Community	Chelsea
	57	Saline Community	Saline
	57	St. Joseph Mercy	Ann Arbor
	57	University of Michigan	Ann Arbor
	57	Select Specialty (LTAC - Fac #81-0081)*	Ann Arbor
	66	Mercy Memorial	Monroe
	67	Oakwood - Annapolis	Wayne
	67	Garden City Osteopathic	Garden City
	67	St. Mary's Mercy Hospital	Livonia
	68	Oakwood - Heritage	Taylor
	68	Oakwood Hosp & Med Ctr	Dearborn
	68	Riverside Osteopathic	Trenton
	68	Oakwood - Seaway	Trenton
	68	Henry Ford - Wyandotte	Wyandotte
	68	Vencor Hosp - Detroit	Lincoln Park

*This is a hospital that must meet the requirement(s) of Section 14(1)(d).

APPENDIX A (Continued)

Health Service Area	Sub Area	Hospital Name	City
	68	Select Specialty Hospital - Wyandotte (LTAC - #82-0272)*	Wyandotte
	69	William Beaumont	Troy
	69	William Beaumont	Royal Oak
	69	Botsford General	Farmington Hills
	69	Madison Community	Madison Hgts
	69	SJHS - Oakland General	Madison Hgts
	69	Providence	Southfield
	69	Great Lakes Rehab	Southfield
	69	Sinai - Grace	Detroit
	69	Straith	Southfield
	69	Select Specialty Hospital NW Detroit (LTAC - #83-0523)*	Detroit
	70	Bi-County Community	Warren
	70	Bon Secours	Grosse Pointe
	70	Henry Ford Cottage Hospital	Grosse Pointe Farms
	70	Kern Hospital	Warren
	70	St. John Hospital and Medical Center	Detroit
	70	St. John Northeast Community Hospital	Detroit
	70	St. John Gratiot Center	Detroit
	70	St. John Macomb Hospital	Warren
	70	SCCI of America (LTAC - #83-0521)*	Detroit
	70	Select Specialty Hospital - Macomb (LTAC - #50-0112)*	Warren
	71	Children's	Detroit
	71	Detroit Receiving	Detroit
	71	Greater Detroit Hospital	Detroit
	71	Harper	Detroit
	71	Henry Ford	Detroit
	71	Hutzel	Detroit
	71	Rehabilitation Inst	Detroit
	71	Renaissance Hospital & Med Ctr	Detroit
	71	St. John Detroit Riverview	Detroit
	71	United Community	Detroit
	71	Kindred Hospital - Metro Detroit	Detroit
	71	Select Specialty Hospital - Central Detroit (LTAC - #83-0524)*	Detroit
2 - Mid-Southern	46	Clinton Memorial	St Johns
	46	Eaton Rapids Community	Eaton Rapids
	46	Hayes Green Beach	Charlotte
	46	Ingham Reg'l Med Ctr - Greenlawn	Lansing
	46	Ingham Reg'l Med Ctr - Pennsylvania	Lansing
	46	Sparrow - Michigan	Lansing
	46	Sparrow - St. Lawrence	Lansing

*This is a hospital that must meet the requirement(s) of Section 14(1)(d).

APPENDIX A (Continued)

Health Service Area	Sub Area	Hospital Name	City
3 - Southwest	56	Doctors	Jackson
	56	Foote Memorial	Jackson
	64	Hillsdale Community	Hillsdale
	65	Addison	Addison
	65	Emma L. Bixby	Adrian
	65	Herrick Memorial	Tecumseh
	45	Pennock	Hastings
	51	South Haven Community	South Haven
	53	Borgess Medical Ctr	Kalamazoo
	53	Borgess-Pipp	Plainwell
	53	Bronson Methodist	Kalamazoo
	53	Bronson - Lakeview	Paw Paw
	53	Bronson - Vicksburg	Vicksburg
	53	Lakeview Community	Paw Paw
	54	BCHS - Fieldstone Ctr (b)	Battle Creek
	54	BCHS - Leila (b)	Battle Creek
	54	Select Specialty (LTAC - Fac #13-0111)*	Battle Creek
	54	Oaklawn	Marshall
	54	Southwestern MI Rehab	Battle Creek
	58	Community	Watervliet
	58	Lakeland Med Ctr	St. Joseph
	58	Lakeland Speciality (LTAC - Fac #11-0080)*	Berrien Center
	59	Lee Memorial	Dowagiac
	60	Lakeland Medical Ctr	Niles
	61	Three Rivers Area	Three Rivers
	62	Sturgis	Sturgis
	63	Community Health Ctr	Coldwater
4 - West	25	Memorial Medical Ctr of West MI	Ludington
	26	Kelsey Memorial	Lakeview
	26	Mecosta County General	Big Rapids

*This is a hospital that must meet the requirement(s) of Section 14(1)(d).

APPENDIX A (Continued)

Health Service Area	Sub Area	Hospital Name	City
	26	Spectrum Health - Reed City	Reed City
	30	Lakeshore Community	Shelby
	31	Gerber Memorial	Fremont
	32	Carson City Osteopathic	Carson City
	32	Gratiot Community	Alma
	37	Hackley Medical Center	Muskegon
	37	Mercy Gen'l Hlth Prtnrs - Sherman	Muskegon
	37	Mercy Gen'l Hlth Prtnrs - Oak	Muskegon
	37	Nextcare (LTAC - Fac #61-0052)*	Muskegon
	37	North Ottawa Community	Grand Haven
	37	Select Speciality (LTAC - Fac #61-0051)*	Muskegon
	38	Blodgett Memorial dba Spectrum Hlth	E. Grand Rapids
	38	Butterworth dba Spectrum Hlth	Grand Rapids
	38	Ferguson dba Spectrum Hlth	Grand Rapids
	38	Kent Community dba Spectrum Hlth	Grand Rapids
	38	Mary Free Bed	Grand Rapids
	38	Metropolitan	Grand Rapids
	38	St. Mary's Mercy	Grand Rapids
	39	Sheridan Community	Sheridan
	39	United Memorial	Greenville
	43	Holland Community	Holland
	43	Zeeland Community	Zeeland
	44	Ionia County Memorial	Ionia
	52	Allegan General	Allegan
5 - GLS	40	Memorial Healthcare Ctr	Owosso
	41	Genesys Regional Med Ctr	Grand Blanc
	41	Hurley Medical Ctr	Flint
	41	McLaren General	Flint
	41	Select Specialty (LTAC - Fac #25-0071)*	Flint
	42	Lapeer Regional	Lapeer
6 - East	22	West Branch Reg'l Med Ctr	West Branch

*This is a hospital that must meet the requirement(s) of Section 14(1)(d).

APPENDIX A (Continued)

Health Service Area	Sub Area	Hospital Name	City
	23	Tawas - St. Joseph	Tawas City
	27	Central Michigan Community	Mt Pleasant
	27	MidMichigan Reg'l Med Ctr	Clare
	28	MidMichigan Reg'l Med Ctr	Gladwin
	28	MidMichigan Reg'l Med Ctr	Midland
	29	Bay Med Ctr (c)	Bay City
	29	Bay Med Ctr-West (c)	Bay City
	29	Samaritan (c)	Bay City
	29	Standish Community	Standish
	29	Bay Special Care Ctr (LTAC - Fac #09-0010)*	Bay City
	33	Covenant Med Ctrs - 700 Cooper(d)	Saginaw
	33	Covenant Med Ctrs - Michigan (d)	Saginaw
	33	Covenant Med Ctrs - Harrison(d)	Saginaw
	33	Healthsource - Saginaw	Saginaw
	33	St. Mary's Medical Ctr	Saginaw
	34	Caro Community	Caro
	34	Hills and Dales General	Cass City
	35	Harbor Beach Community	Harbor Beach
	35	Huron Memorial	Bad Axe
	35	Scheurer	Pigeon
	36	Deckerville Community	Deckerville
	36	Marlette Community	Marlette
	36	McKenzie Memorial	Sandusky
7 - Northern Lower			
	14	Community Memorial	Cheboygan
	15	Charlevoix	Charlevoix
	15	Mackinac Straits Hlth Ctr	St. Ignace
	15	Northern Michigan	Petoskey
	16	Rogers City Rehab	Rogers City
	16	Russell Memorial	Onaway
	17	Otsego County Memorial	Gaylord
	18	Alpena General	Alpena
	19	Kalkaska Memorial	Kalkaska

*This is a hospital that must meet the requirement(s) of Section 14(1)(d).

APPENDIX A (Continued)

Health Service Area	Sub Area	Hospital Name	City
8 - Upper Peninsula	19	Leelanau Health Ctr	Northport
	19	Munson Medical Ctr	Traverse City
	19	Paul Oliver Memorial	Frankfort
	20	Mercy	Cadillac
	21	Mercy	Grayling
	24	West Shore Medical	Manistee
	01	Grand View	Ironwood
	02	Ontonagon Memorial	Ontonagon
	03	Iron County General	Iron River
	04	Baraga County Memorial	L'Anse
	05	Keweenaw Memorial Med Ctr	Laurium
	05	Portage Health System	Hancock
	06	Dickinson Co. Memorial	Iron Mountain
	07	Francis A. Bell Memorial	Ishpeming
	07	Marquette General	Marquette
	08	Bay Area Medical Ctr	Menominee
	09	St. Francis	Escanaba
	10	Munising Memorial	Munising
	11	Schoolcraft Memorial	Manistique
	12	Helen Newberry Joy	Newberry
	13	Chippewa Co. War Mem.	Sault Ste Marie

- (a) licensed sites under single license issued to St. Joseph Hospital of Mt. Clemens
- (b) licensed sites under single license issued to Battle Creek Health Systems (BCHS)
- (c) licensed sites under single license issued to Bay Medical Center, Bay City
- (d) licensed sites under single license issued to Covenant Medical Ctrs, Saginaw

APPENDIX B

CERTIFICATE OF NEED REVIEW STANDARDS
FOR HOSPITAL BEDS

Rural Michigan counties are as follows:

Alcona	Gd. Traverse	Missaukee
Alger	Gratiot	Montcalm
Alpena	Hillsdale	Montmorency
Antrim	Houghton	Newaygo
Arenac	Huron	Oceana
Baraga	Ionia	Ogemaw
Barry	Iosco	Ontonagon
Benzie	Iron	Osceola
Branch	Isabella	Oscoda
Cass	Kalkaska	Otsego
Charlevoix	Keweenaw	Presque Isle
Cheboygan	Lake	Roscommon
Chippewa	Leelanau	St. Joseph
Clare	Luce	Sanilac
Crawford	Mackinac	Schoolcraft
Delta	Manistee	Shiawassee
Dickinson	Marquette	Tuscola
Emmet	Mason	Wexford
Gladwin	Mecosta	
Gogebic	Menominee	

Source:

55 F.R., p. 12154 (March 30, 1990)
Statistical Policy Office
Office of Information and Regulatory Affairs
United States Office of Management and Budget

APPENDIX C**CERTIFICATE OF NEED REVIEW STANDARDS
FOR HOSPITAL BEDS**

The hospital bed need for purposes of these standards until otherwise changed by the Commission are as follows:

Health Service Area	SA No.	Subarea (SA)	Bed Need	Bed Inventory 4-1-02*
1 - SOUTHEAST				
	47	HOWELL	69	199
	48	PONTIAC	797	1492
	49	MOUNT CLEMENS	455	770
	50	PORT HURON	248	350
	57	ANN ARBOR	1224	1574
	66	MONROE	121	217
	67	WAYNE	429	855
	68	DEARBORN-WYANDOTTE	833	1561
	69	NORTHWEST DETROIT	2319	2671
	70	NORTHEAST DETROIT	1167	1975
	71	CENTRAL DETROIT	1514	3116
2 - MID-SOUTHERN				
	46	LANSING	718	1143
	56	JACKSON	233	390
	64	HILLSDALE	58	65
	65	ADRIAN	118	205
3 - SOUTHWEST				
	45	HASTINGS	77	89
	51	SOUTH HAVEN	19	82
	53	KALAMAZOO	547	837
	54	BATTLE CREEK	206	341
	55	ALBION	28	0
	58	BENTON HARBOR	204	349
	59	DOWAGIAC	39	74
	60	NILES	57	89
	61	THREE RIVERS	45	60
	62	STURGIS	39	94
	63	COLDWATER	63	102
4 - WEST				
	25	LUDINGTON	69	81
	26	BIG RAPIDS	91	168
	30	HART	13	24
	31	FREMONT	36	67
	37	MUSKEGON	297	568
	38	GRAND RAPIDS	1133	1738
	39	GREENVILLE	44	90
	43	HOLLAND	140	250
	44	IONIA	26	77
	52	ALLEGAN	30	54

*Applicants **must** contact the Department to obtain the current number of beds in the Department inventory of beds. Note the figures in the Bed Inventory Column do not reflect any data regarding applications for beds under appeal or pending a final Department decision.

APPENDIX C (Continued)

Health Service Area	SA No.	Subarea (SA)	Bed Need	Bed Inventory 12-21-00*
5 - GLS				
	40	OWOSSO	98	115
	41	FLINT	843	1241
	42	LAPEER	107	183
6 - EAST				
	22	WEST BRANCH	64	88
	23	TAWAS CITY	38	60
	27	MOUNT PLEASANT	99	182
	28	MIDLAND	193	272
	29	BAY CITY	211	443
	32	ALMA	126	191
	33	SAGINAW	555	994
	34	CASS CITY	30	97
	35	BAD AXE	54	114
	36	THUMB	49	100
7 - NORTHERN LOWER				
	14	CHEBOYGAN	41	46
	15	PETOSKEY	175	288
	16	ROGERS CITY	22	36
	17	GAYLORD	30	53
	18	ALPENA	96	124
	19	TRAVERSE CITY	271	393
	20	CADILLAC	76	97
	21	GRAYLING	51	90
	24	MANISTEE	37	75
8 - UPPER PENINSULA				
	1	WAKEFIELD	39	54
	2	ONTONAGON	8	25
	3	CRYSTAL FALLS	29	36
	4	L'ANSE	14	24
	5	HANCOCK	61	85
	6	IRON MOUNTAIN	68	96
	7	MARQUETTE	179	358
	8	MENOMINEE	0	0
	9	ESCANABA	69	110
	10	MUNISING	7	25
	11	MANISTIQUE	11	25
	12	NEWBERRY	13	25
	13	SAULT SAINT MARIE	41	82

***Applicants must contact the Department to obtain the current number of beds in the Department inventory of beds. Note the figures in the Bed Inventory Column do not reflect any data regarding applications for beds under appeal or pending a final Department decision.**

APPENDIX D**OCCUPANCY RATE TABLE**

ADC >=	ADC <	Occup	Beds	ADC >=	ADC <	Occup	Beds
	50.000	0.60	83	101.475	102.225	0.75	136
50.000	51.423	0.61	84	102.225	102.975	0.75	137
51.423	52.886	0.62	85	102.975	103.725	0.75	138
52.886	53.506	0.62	86	103.725	104.475	0.75	139
53.506	54.999	0.63	87	104.475	105.225	0.75	140
54.999	55.629	0.63	88	105.225	107.388	0.76	141
55.629	56.259	0.63	89	107.388	108.148	0.76	142
56.259	57.792	0.64	90	108.148	108.908	0.76	143
57.792	58.432	0.64	91	108.908	109.668	0.76	144
58.432	59.072	0.64	92	109.668	110.428	0.76	145
59.072	60.645	0.65	93	110.428	111.188	0.76	146
60.645	61.295	0.65	94	111.188	111.948	0.76	147
61.295	61.945	0.65	95	111.948	112.708	0.76	148
61.945	63.558	0.66	96	112.708	113.468	0.76	149
63.558	64.218	0.66	97	113.468	114.228	0.76	150
64.218	65.861	0.67	98	114.228	116.501	0.77	151
65.861	66.531	0.67	99	116.501	117.271	0.77	152
66.531	67.201	0.67	100	117.271	118.041	0.77	153
67.201	68.884	0.68	101	118.041	118.811	0.77	154
68.884	69.564	0.68	102	118.811	119.581	0.77	155
69.564	70.244	0.68	103	119.581	120.351	0.77	156
70.244	71.967	0.69	104	120.351	121.121	0.77	157
71.967	72.657	0.69	105	121.121	121.891	0.77	158
72.657	73.347	0.69	106	121.891	122.661	0.77	159
73.347	75.110	0.70	107	122.661	123.431	0.77	160
75.110	75.810	0.70	108	123.431	124.201	0.77	161
75.810	76.510	0.70	109	124.201	124.971	0.77	162
76.510	78.313	0.71	110	124.971	127.374	0.78	163
78.313	79.023	0.71	111	127.374	128.154	0.78	164
79.023	79.733	0.71	112	128.154	128.934	0.78	165
79.733	80.443	0.71	113	128.934	129.714	0.78	166
80.443	82.296	0.72	114	129.714	130.494	0.78	167
82.296	83.016	0.72	115	130.494	131.274	0.78	168
83.016	83.736	0.72	116	131.274	132.054	0.78	169
83.736	84.456	0.72	117	132.054	132.834	0.78	170
84.456	85.176	0.72	118	132.834	133.614	0.78	171
85.176	87.089	0.73	119	133.614	134.394	0.78	172
87.089	87.819	0.73	120	134.394	135.174	0.78	173
87.819	88.549	0.73	121	135.174	135.954	0.78	174
88.549	89.279	0.73	122	135.954	136.734	0.78	175
89.279	90.009	0.73	123	136.734	137.514	0.78	176
90.009	90.739	0.73	124	137.514	140.067	0.79	177
90.739	91.469	0.73	125	140.067	140.857	0.79	178
91.469	93.462	0.74	126	140.857	141.647	0.79	179
93.462	94.202	0.74	127	141.647	142.437	0.79	180
94.202	94.942	0.74	128	142.437	143.227	0.79	181
94.942	95.682	0.74	129	143.227	144.017	0.79	182
95.682	96.422	0.74	130	144.017	144.807	0.79	183
96.422	97.162	0.74	131	144.807	145.597	0.79	184

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97.162	97.902	0.74	132	145.597	146.387	0.79	185
97.902	99.975	0.75	133	146.387	147.177	0.79	186
99.975	100.725	0.75	134	147.177	147.967	0.79	187
100.725	101.475	0.75	135	147.967	148.757	0.79	188
ADC >=	ADC <	Occup	Beds				
148.757	149.547	0.79	189				
149.547	152.240	0.80	190				
152.240	153.040	0.80	191				
153.040	153.840	0.80	192				
153.840	154.640	0.80	193				
154.640	155.440	0.80	194				
155.440	156.240	0.80	195				
156.240	157.040	0.80	196				
157.040	157.840	0.80	197				
157.840	160.623	0.81	198				
160.623	161.433	0.81	199				
161.433	162.243	0.81	200				
162.243	163.053	0.81	201				
163.053	163.863	0.81	202				
163.863	164.673	0.81	203				
164.673	165.483	0.81	204				
165.483	166.293	0.81	205				
166.293	169.166	0.82	206				
169.166	169.986	0.82	207				
169.986	170.806	0.82	208				
170.806	171.626	0.82	209				
171.626	172.446	0.82	210				
172.446	173.266	0.82	211				
173.266	174.086	0.82	212				
174.086	174.906	0.82	213				
174.906	175.726	0.82	214				
175.726	178.699	0.83	215				
178.699	179.529	0.83	216				
179.529	180.359	0.83	217				
180.359	181.189	0.83	218				
181.189	182.019	0.83	219				
182.019	182.849	0.83	220				
182.849	183.679	0.83	221				
183.679	184.509	0.83	222				
184.509	185.339	0.83	223				
185.339	186.169	0.83	224				
186.169	189.252	0.84	225				
189.252	190.092	0.84	226				
190.092	190.932	0.84	227				
190.932	191.772	0.84	228				
191.772	192.612	0.84	229				
192.612	193.452	0.84	230				
193.452	194.292	0.84	231				
194.292	195.132	0.84	232				
195.132	195.972	0.84	233				
195.972	196.812	0.84	234				
196.812	197.652	0.84	235				
197.652	198.492	0.84	236				
198.492	199.332	0.84	237				
199.332	200.172	0.84	238				
200.172		0.85					

MICHIGAN DEPARTMENT OF PUBLIC HEALTH

OFFICE OF HEALTH AND MEDICAL AFFAIRS

CERTIFICATE OF NEED REVIEW STANDARDS FOR HOSPITAL BEDS
-- ADDENDUM FOR PROJECTS FOR HIV INFECTED INDIVIDUALS --

(By authority conferred on the Certificate of Need Commission by sections 22215 and 22217 of Act No. 368 of the Public Acts of 1978, as amended, and sections 7 and 8 of Act No. 306 of the Public Acts of 1969, as amended, being sections 333.22215, 333.22217, 24.207, and 24.208 of the Michigan Compiled Laws.)

Section 1. Applicability; definitions

Sec. 1. (1) This addendum supplements the Certificate of Need Review Standards for Hospital Beds and may be used for determining the need for projects established to meet the needs of HIV infected individuals.

(2) Except as provided by sections 2 and 3 below, these standards supplement and do not supercede the requirements and terms of approval required by the Certificate of Need Review Standards for Hospital Beds.

(3) The definitions that apply to the Certificate of Need Review Standards for Hospital Beds apply to these standards.

(4) "HIV infected" means that term as defined in Section 5101 of the Code.

(5) Planning area for projects for HIV infected individuals means the State of Michigan.

Section 2. Requirements for approval; change in bed capacity

Sec. 2. (1) A project which, if approved, will increase the number of licensed hospital beds in an overbedded subarea or will result in the total number of existing hospital beds in a subarea exceeding the needed hospital bed supply as determined under the Certificate of Need Review Standards for Hospital Beds may, nevertheless, be approved pursuant to subsection (3) of this addendum.

(2) Hospital beds approved as a result of this addendum shall be included in the Department inventory of existing beds in the subarea in which the hospital beds will be located. Increases in hospital beds approved under this addendum shall cause subareas currently showing a current surplus of beds to have that surplus increased.

(3) In order to be approved under this addendum, an applicant shall demonstrate all of the following:

(a) The Director of the Department has determined that action is necessary and appropriate to meet the needs of HIV infected individuals for quality, accessible and efficient health care.

(b) The hospital will provide services only to HIV infected individuals.

(c) The applicant has obtained an obligation, enforceable by the Department, from existing licensed hospital(s) in any subarea of this state to voluntarily delicense a number of hospital beds equal to the number proposed in the application. The effective date of the delicensure action will be the date the beds approved pursuant to this addendum are licensed. The beds delicensed shall not be beds already subject to delicensure under a bed reduction plan.

(d) The application does not result in more than 20 beds approved under this addendum in the State.

(4) In making determinations under Section 22225(2)(a) of the Code, for projects under this addendum, the Department shall consider the total cost and quality outcomes for overall community health systems for services in a dedicated portion of an existing facility compared to a separate aids facility and has determined that there exists a special need, and the justification of any cost increases in terms of important quality/access improvements or the likelihood of future cost reductions, or both.

Section 3. Project delivery requirements--additional terms of approval for projects involving HIV infected individuals approved under this addendum.

Sec. 3. (1) An applicant shall agree that, if approved, the services provided by the beds for HIV infected individuals shall be delivered in compliance with the following terms of certificate of need approval:

- (a) The license to operate the hospital will be limited to serving the needs of patients with the clinical spectrum of HIV infection and any other limitations established by the Department to meet the purposes of this addendum.
- (b) The hospital shall be subject to the general license requirements of Part 215 of the Code except as waived by the Department of Consumer & Industry Services to meet the purposes of this addendum.
- (c) The applicant agrees that the Department of Consumer & Industry Services shall revoke the license of the hospital if the hospital provides services to inpatients other than HIV infected individuals.

Section 4. Comparative reviews

Sec. 4. (1) Projects proposed under Section 3 shall be subject to comparative review.

CERTIFICATE OF NEED REVIEW STANDARDS

MICHIGAN DEPARTMENT OF COMMUNITY HEALTH

CERTIFICATE OF NEED REVIEW STANDARDS
FOR MAGNETIC RESONANCE IMAGING SERVICES

(By authority conferred on the Certificate of Need Commission by Section 22215 of Act No. 368 of the Public Acts of 1978, as amended, and sections 7 and 8 of Act No. 306 of the Public Acts of 1969, as amended, being sections 333.22215, 24.207, and 24.208 of the Michigan Compiled Laws.)

Section 1. Applicability

Sec. 1. (1) These standards are requirements for the approval of the initiation, expansion, replacement, relocation, or acquisition of MRI services and the delivery of services for all projects approved and certificates of need issued under Part 222 of the Code that involve magnetic resonance imaging services.

(2) A magnetic resonance imaging service is a covered clinical service for purposes of Part 222 of the Code. An MRI unit approved pursuant to Section 9(1) seeking approval to operate pursuant to sections 3, 4, 5, 6, 7, or 8 shall be considered as a person requesting certificate of need approval to initiate, expand, replace, relocate, or acquire a covered clinical service, as applicable.

(3) The Department shall use sections 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, and 16 as applicable, in applying Section 22225(1) of the Code, being Section 333.22225(1) of the Michigan Compiled Laws.

(4) The Department shall use Section 11, as applicable, in applying Section 22225(2)(c) of the Code, being Section 333.22225(2)(c) of the Michigan Compiled Laws.

Section 2. Definitions

Sec. 2. (1) For purposes of these standards:

(a) "Acquisition of an MRI service or unit" means obtaining control or possession of an existing fixed or mobile MRI service or unit by contract, ownership, lease, or other comparable arrangement.

(b) "Actual MRI adjusted procedures," for purposes of sections 14 and 15, means the number of MRI procedures, adjusted in accordance with the applicable provisions of Section 12, performed on an existing MRI unit, or if an MRI service has two or more MRI units at the same site, the average number of MRI adjusted procedures performed on each unit, for the 12-month period reported on the most recently published "Available MRI Adjusted Procedures List," as of the date an application is deemed complete by the Department.

(c) "Available MRI adjusted procedures," for purposes of Section 14, means the number of MRI adjusted procedures performed by an existing MRI service in excess of 8,000 per fixed MRI unit and 7,000 per mobile MRI unit. For either a fixed or mobile MRI service, the number of MRI units used to compute available MRI adjusted procedures shall include both existing and approved but not yet operational MRI units. In determining the number of available MRI adjusted procedures, the Department shall use data for the 12-month period reported on the most recently published list of available MRI adjusted procedures as of the date an application is deemed complete by the Department.

In the case of an MRI service that operates, or has a valid certificate of need to operate, more than one fixed MRI unit at the same site, the term means the number of MRI adjusted procedures in excess of 8,000 multiplied by the number of fixed MRI units at the same site. For example, if an MRI service operates, or has a valid certificate of need to operate, two fixed MRI units at the same site, the available number of MRI adjusted procedures is the number that is in excess of 16,000 (8,000 x 2) MRI adjusted procedures.

In the case of a mobile MRI unit, the term means the sum of all MRI adjusted procedures performed by the same mobile MRI unit at all of the host sites combined that is in excess of 7,000. For example, if a mobile MRI unit serves five host sites, the term means the sum of MRI adjusted procedures for all five host sites combined that is in excess of 7,000 MRI adjusted procedures.

(d) "Central service coordinator" means the organizational unit that has operational responsibility for a mobile MRI unit. It shall be a legal entity authorized to do business in the State of Michigan.

(e) "Certificate of Need Commission" means the Commission created pursuant to Section 22211 of the Code, being Section 333.22211 of the Michigan Compiled Laws.

(f) "Code" means Act No. 368 of the Public Acts of 1978, as amended, being Section 333.1101 et seq. of the Michigan Compiled Laws.

(g) "Contrast MRI procedure" means an MRI procedure involving either of the following: (i) a procedure following use of a contrast agent or (ii) procedures performed both before and after the use of a contrast agent.

(h) "Dedicated pediatric MRI" means an MRI unit on which at least 80% of the MRI procedures are performed on patients under 18 years of age

(i) "Department" means the state agency known as the Michigan Department of Community Health.

(j) "Doctor," for purposes of these standards, means an individual licensed under Article 15 of the Code to engage in the practice of medicine, osteopathic medicine and surgery, chiropractic, dentistry, or podiatry.

(k) "Existing magnetic resonance imaging service" or "existing MRI service" means either the utilization of an authorized MRI unit(s) at one site in the case of a fixed MRI service and in the case of a mobile MRI service, the utilization of an authorized mobile MRI unit(s) at each host site, on the date an application is submitted to the Department.

(l) "Expand a fixed MRI service" means an increase in the number of fixed MRI units to be operated by the applicant at the same site.

(m) "Expand a mobile MRI service" means the addition of a mobile MRI unit that will be operated by a central service coordinator that is approved to operate one or more mobile MRI units as of the date an application is submitted to the Department.

(n) "Group practice," for purposes of Section 134(3)(b), means a group practice as defined pursuant to the provisions of 42 U.S.C. 1395nn (h)(4), commonly known as Stark II, and the Code of Federal Regulations, 42 CFR, Part 411, published in the Federal Register on August 14, 1995, or its replacement

(o) "Health service area" or "HSA" means the geographic areas set forth in Section 18.

(p) "Host site" means the site at which a mobile MRI unit is authorized by certificate of need to provide MRI services.

(q) "Initiate a fixed MRI service" means begin operation of a fixed MRI service at a site that does not provide or is not certificate of need approved to provide fixed MRI services as of the date an application is submitted to the Department. The term does not include the relocation of an existing MRI service meeting the requirements of Section 7 or the renewal of a lease.

(r) "Initiate a mobile MRI host site" means the provision of MRI services at a host site that has not received any MRI services within 12 months from the date an application is submitted to the Department.

The term does not include the renewal of a lease.

(s) "Initiate a mobile MRI service" means begin operation of a mobile MRI unit that serves two or more host sites.

The term does not include the renewal of a lease.

(t) "Inpatient," for purposes of Section 12 of these standards, means an MRI visit involving an individual who has been admitted to the licensed hospital at the site of the MRI service/unit or in the case of an MRI unit that is not located at that licensed hospital site, an admitted patient transported from a licensed hospital site by ambulance to the MRI service.

(u) "IRB" or "institutional review board" means an institutional review board as defined by Public Law 93-348 that is regulated by Title 45 CFR 46.

(v) "Licensed hospital site" means a health facility licensed under Part 215 of the Code. In the case of a single site hospital, it is either (i) the location of the facility authorized by license and listed on that licensee's certificate of licensure or (ii) in the case of a hospital with multiple sites, the location of each separate and distinct inpatient unit of the health facility as authorized by the licensee's certificate of licensure.

(w) "Magnetic resonance" or "MR" means the analysis of the interaction that occurs between radio frequency energy, atomic nuclei, and strong magnetic fields to produce cross sectional images similar to those displayed by computed tomography (CT) but without the use of ionizing radiation.

(x) "Magnetic resonance imaging adjusted procedure" or "MRI adjusted procedure" means an MRI visit, at an existing MRI service, that has been adjusted in accordance with the applicable provisions of Section 12.

(y) "Magnetic resonance imaging database" or "MRI database" means the database, maintained by the Department pursuant to Section 11 of these standards, that collects information about each MRI visit at MRI services located in Michigan.

(z) "Magnetic resonance imaging procedure" or "MRI procedure" means a procedure conducted by an MRI unit approved pursuant to sections 3, 4, 5, 6, 7, 8 or 10 of these standards which is either a single, billable diagnostic magnetic resonance procedure or a procedure conducted by an MRI unit at a site participating with an approved diagnostic radiology residency program, under a research protocol approved by an institutional review board. The capital and operating costs related to the research use are charged to a specific research account and not charged to or collected from third-party payors or patients. The term does not include a procedure conducted by an MRI unit approved pursuant to Section 9(1).

(aa) "Magnetic resonance imaging services" or "MRI services" means either the utilization of an authorized MRI unit(s) at one site in the case of a fixed MRI service or in the case of a mobile MRI service, the utilization of an authorized mobile MRI unit at each host site.

(bb) "Magnetic resonance imaging unit" or "MRI unit" means the magnetic resonance system consisting of an integrated set of machines and related equipment necessary to produce the images and/or spectroscopic quantitative data from scans.

(cc) "Magnetic resonance imaging visit" or "MRI visit" means a single patient visit to an MRI service/unit that may involve one or more MRI procedures.

(dd) "Mobile MRI unit" means an MRI unit operating at two or more host sites and that has a central service coordinator. The mobile MRI unit shall operate under a contractual agreement for the provision of MRI services at each host site on a regularly scheduled basis.

(ee) "Ownership interest, direct or indirect," for purposes of these standards, means a direct ownership relationship between a doctor and an applicant entity or an ownership relationship between a doctor and an entity that has an ownership relationship with an applicant entity.

(ff) "Pediatric patient," for purposes of these standards, except for Section 10, means a patient who is 12 years of age or less.

(gg) "Planning area," for purposes of these standards, means

(i) in the case of a proposed fixed MRI service or unit, the geographic area within a 20-mile radius from the proposed site if the proposed site is not in a rural county and a 75-mile radius from the proposed site if the proposed site is in a rural county.

For purposes of Section 7(8) of these standards, the planning area shall be measured from the original site at which the MRI service was first initiated.

(ii) in the case of a proposed mobile MRI service or unit, except as provided in subsection (iii), the geographic area within a 20-mile radius from each proposed host site if the proposed site is not in a rural county and within a 75-mile radius from each proposed host site if the proposed site is in a rural county.

(iii) in the case of a proposed mobile MRI service or unit meeting the requirement of Section 12(2)(d), the health service area in which all the proposed mobile host sites will be located.

(hh) "Referring doctor," for purposes of these standards, means the doctor of record who ordered the MRI procedure(s) and either to whom the primary report of the results of an MRI procedure(s) is sent or in the case of a teaching facility, the attending doctor who is responsible for the house officer or resident that requested the MRI procedure.

(ii) "Relocate an existing MRI service/unit(s)" means a change in the location of an existing MRI service/unit(s) from the existing site to a different site within the relocation zone.

(jj) "Relocation zone," for purposes of these standards, means the geographic area that is within a 5-mile radius of the existing site of the MRI service or unit to be relocated if the existing MRI service or unit is not located in a rural county and a 10-mile radius if the existing MRI service or unit is located in a rural county.

(kk) "Renewal of a lease" means extending the effective period of a lease for an existing MRI unit that does not involve either replacement of the MRI unit, as defined in Section 2(1)(ll)(i), or (ii) a change in the parties to the lease.

(ll) "Replace an MRI service or unit" means (i) any equipment change involving a change in, or replacement of, the magnet resulting in an applicant operating the same number and type (fixed or mobile) of MRI units before and after project completion or (ii) an equipment change other than a change in the magnet that involves a capital expenditure of \$500,000 or more in any consecutive 24-month period or (iii) the renewal of a lease. The term does not include an upgrade of an existing MRI service or unit, and it does not include a host site that proposes to receive mobile MRI services from a different central service coordinator if the requirements of Section 3(5)(a)-(d), as applicable, have been met.

(mm) "Rural county" means a county not located in a metropolitan area as that term is defined pursuant to the "revised standards for defining metropolitan areas in the 1990's" by the statistical policy office of the office of information and regulatory affairs of the United States office of management and budget, 55 F.R. p. 12154 (March 30, 1990).

(nn) "Sedated patient" means a patient that meets all of the following:

(i) whose level of consciousness is either conscious-sedation or a higher level of sedation, as defined by the American Association of Anesthesiologists, the American Academy of Pediatrics, the Joint Commission on the Accreditation of Health Care Organizations, or an equivalent definition.

(ii) who is monitored by mechanical devices while in the magnet.

(iii) who requires observation while in the magnet by personnel, other than employees routinely assigned to the MRI unit, who are trained in cardiopulmonary resuscitation (CPR).

(oo) "Site," for purposes of these standards, means

(i) in the case of a licensed hospital site, a location that is part of the licensed hospital site or a location that is contiguous to the licensed hospital site or

(ii) in the case of a location that is not a licensed hospital site, a location at the same address or a location that is contiguous to that address.

(pp) "Teaching facility," for purposes of these standards, means a licensed hospital site, or other location, that provides either fixed or mobile MRI services and at which residents or fellows of a training program in diagnostic radiology, that is approved by the Accreditation Council on Graduate Medical Education or American Osteopathic Association, are assigned.

(qq) "Unadjusted MRI scan" means an MRI procedure performed on a single anatomical site as defined by the MRI database and that is not adjusted pursuant to the applicable provisions of Section 12.

(rr) "Upgrade an existing MRI unit" means any equipment change that

(i) does not involve a change in, or replacement of, the magnet; does not result in an increase in the number of MRI units; or does not result in a change in the type of MRI unit (e.g., changing a mobile MRI unit to a fixed MRI unit); and

(ii) involves a capital expenditure of less than \$500,000 in any consecutive 24-month period.

(2) Terms defined in the Code have the same meanings when used in these standards.

Section 3. Requirements for approval of applicants proposing to initiate an MRI service or mobile MRI host site

Sec. 3. (1) An applicant proposing to initiate a fixed MRI service shall demonstrate that 6,000 available MRI adjusted procedures, from within the same planning area as the proposed service/unit, per proposed unit result from application of the methodology in Section 14 of these standards.

(2)(a) An applicant proposing to initiate a mobile MRI service that involves beginning operation of a mobile MRI unit shall demonstrate that a minimum of 5,500 available MRI adjusted procedures, from within the same planning area as the proposed service/unit, per proposed unit result from application of the methodology in Section 14 of these standards.

(b) The applicant, whether the central service coordinator or the host site, must demonstrate that a minimum of 600 available MRI adjusted procedures, from within the same planning area as the proposed service/unit, result from the application of the methodology in Section 14 of these standards, for each proposed host site that

(i) is not located in a rural county and

(ii) has not received any mobile MRI service within the most recent 12-month period as of the date an application is submitted to the Department.

(c) The applicant, whether the central service coordinator or the host site, must demonstrate that a minimum of 400 available MRI adjusted procedures, from within the same planning area as the proposed service/unit, result from the application of the methodology in Section 14 of these standards for each proposed host site that

(i) is located in a rural county and

(ii) has not received any mobile MRI service within the most recent 12-month period as of the date an application is submitted to the Department.

(3)(a) An applicant, whether the central service coordinator or a proposed host site, proposing to initiate a mobile MRI host site not in a rural county, that is to be part of an existing mobile MRI service, must demonstrate that at least 600 available MRI adjusted procedures, from within the same planning area as the proposed service/unit, result from the application of the methodology in Section 14 of these standards for that host site.

(b) An applicant, whether the central service coordinator or a proposed host site, proposing to initiate a mobile MRI host site in a rural county, that is to be part of an existing mobile MRI service, must demonstrate that at least 400 available MRI adjusted procedures, from within the same planning area as the proposed service/unit, result from the application of the methodology in Section 14 of these standards for that host site.

(4) An applicant that meets all of the following requirements shall not be required to be in compliance with subsection (1):

(a) The applicant is proposing to initiate a fixed MRI service.

(b) The applicant is currently a host site being served by one or more mobile MRI units.

(c) The applicant has received, in aggregate, at least 6,000 MRI adjusted procedures within the most recent 12-month period for which data, verifiable by the Department, are available.

(d) All of the MRI adjusted procedures provided at the applicant's approved site in the most recent 12-month period, referenced in (c) above, by each mobile MRI service/units from which any of the MRI adjusted procedures are being utilized to meet the minimum 6,000 MRI adjusted procedures shall be utilized to meet the requirements of (c). [For example: If mobile network 19 provided 4,000 adjusted procedures, network 21 provided 2,100, and network 18 provided 1,000, all of the adjusted procedures from network 19 and 21 must be used (i.e., 6,100) but the 1,000 adjusted procedures from network 18 do not need to be used to meet the 6,000 minimum.]

(e) The applicant shall install the fixed MRI unit within the same relocation zone as the applicant's current, approved host site.

(5) Initiation of a mobile MRI host site does not include the provision of mobile MRI services at a host site if the applicant, whether the host site or the central service coordinator, demonstrates or provides each of the following, as applicable:

(a) The host site has received mobile MRI services from an existing mobile MRI unit within the most recent 12-month period as of the date an application is submitted to the Department.

(b) The addition of a host site to a mobile MRI unit will not increase the number of MRI units operated by the central service coordinator or by any other person.

(c) Notification to the Department of the addition of a host site prior to the provision of MRI services by that mobile MRI unit in accordance with (d).

(d) A signed certification, on a form provided by the Department, whereby each host site for each mobile MRI unit has agreed and assured that it will provide MRI services in accordance with the terms for approval set forth in Section 11 of these standards, as applicable. The central service coordinator also shall identify all current host sites, on this form, that are served by the mobile route as of the date of the signed certification or are committed in writing to be served by the mobile route.

(e) The central service coordinator requires, as a condition of any contract with a host site, compliance with the requirements of these standards by that host site, and the central service coordinator assures compliance, by that host site, as a condition of the certificate of need issued to the central service coordinator.

Section 4. Requirements for approval of an application proposing to expand an existing MRI service

Sec. 4. (1) An applicant proposing to expand a fixed MRI service shall demonstrate that its existing fixed MRI units (excluding MRI units approved pursuant to Section 10) have performed at least an average of 11,000 adjusted procedures for each fixed unit based on the application of the methodology in Section 12 and as documented in accordance with Section 13 of these standards.

(2) An applicant proposing to expand a mobile MRI service shall demonstrate that 4,000 available MRI adjusted procedures, from within the same planning area as the proposed service/unit, per proposed additional unit result from application of the methodology in Section 14 of these standards.

(3) An applicant proposing to expand a mobile MRI service must provide a copy of the existing or revised contracts between the central service coordinator and each host site(s) that includes the same stipulations as specified in Section 6(2).

Section 5. Requirements for approval of an applicant proposing to replace an existing MRI unit

Sec. 5. An applicant proposing to replace an existing MRI unit shall demonstrate that the proposed project meets each of the following requirements:

(1) Within the most recent 12-month period for which data, verifiable by the Department, are available, at least the applicable minimum number of MRI adjusted procedures set forth in subdivision (a), (b), or (c) has been performed. In meeting this requirement, an applicant shall not include any procedures conducted by an MRI unit approved pursuant to Section 9(1).

(a) Each mobile MRI unit to be replaced has performed in excess of an average of 5,500 MRI adjusted procedures per MRI unit.

(b) Each fixed MRI unit to be replaced has performed in excess of an average of 6,000 MRI adjusted procedures per MRI unit.

(c) The dedicated pediatric MRI unit to be replaced has performed in excess of 3,500 MRI adjusted procedures per MRI unit.

(2) An applicant proposing to replace an MRI unit that does not involve a renewal of a lease shall demonstrate that the MRI unit to be replaced is fully depreciated according to generally accepted accounting principles; the existing equipment clearly poses a threat to the safety of the public; or the proposed replacement equipment offers a significant technological improvement which enhances quality of care, increases efficiency, and reduces operating costs.

(3) Equipment that is replaced shall be removed from service and disposed of or rendered considerably inoperable on or before the date that the replacement equipment becomes operational.

(4) An applicant proposing to replace a mobile MRI unit must provide a copy of the existing or revised contracts between the central service coordinator and each host site(s) that includes the same stipulations as specified in Section 6(2).

Section 6. Additional requirements for approval of an applicant proposing to initiate a mobile MRI service

Sec. 6. (1) An applicant proposing to initiate a mobile MRI service that involves beginning operation of a mobile MRI unit shall identify the proposed regular route schedule and the procedures for handling emergency situations.

(2) An applicant proposing a mobile MRI service shall submit copies of all proposed contracts related to the mobile MRI service in the certificate of need application submitted by the central service coordinator. The contract shall include at least the following:

(a) A signed certification, on a form provided by the Department, whereby each host site has agreed and assured that it will provide MRI services for each mobile MRI unit in accordance with the terms of approval set forth in Section 11 of these standards, as applicable. The central services coordinator also shall identify all current host sites, on this form, as of the date of the signed certification.

(b) A statement that requires compliance with the requirements of these standards by that host site and assures compliance, by that host site, as a condition of the certificate of need issued to the central service coordinator.

(c) A signed agreement between the central service coordinator and the host site(s) that states that for any host site applying, at any time in the future, for a fixed MRI unit under Section 3(4), that the mobile services at the host site will not cease until the fixed unit is in operation or upon the request of the host site. Further, the applicant applying for the fixed MRI unit must stipulate in the application at the time it is submitted to the

Department that it has notified all affected host sites as well as the central service coordinator at least six months prior to beginning operation of the fixed MRI unit.

Section 7. Requirements for approval of an application proposing to relocate an existing MRI service/unit(s)

Sec 7. An applicant proposing to relocate an existing MRI service/unit(s) shall demonstrate that the proposed project meets all of the following:

- (1) The service/unit(s) to be relocated is a fixed MRI unit.
- (2) The MRI service to be relocated has been in operation for at least 36 months as of the date an application is submitted to the Department.
- (3) The proposed new site of the existing MRI service/unit(s) to be relocated is in the relocation zone.
- (4) The proposed project will not result in the replacement of the MRI unit(s) to be relocated unless the applicant demonstrates that the requirements of Section 5, as applicable, also have been met.
- (5) The proposed project will not result in an increase of the number of MRI units operated by the MRI service.
- (6) Each MRI unit to be relocated performed at least the applicable minimum number of MRI adjusted procedures set forth in Section 11(1)(d)(i) of these standards based on the most recent 12-month period for which the Department has verifiable data.
- (7) The applicant agrees to operate the MRI service or unit in accordance with all applicable project delivery requirements set forth in Section 11 of these standards.
- (8) An applicant that meets all of the following requirements shall be exempt from subsection (3):
 - (a) The licensed hospital site to which the MRI service is to be relocated and the MRI service at the site from which the MRI service is to be relocated are owned by the same person as defined in Section 1106 of this public act or the same governmental entity.
 - (b) The licensed hospital site to which the MRI service is to be relocated is located within the planning area.
 - (c) As evidenced in the governing body resolution required in (e), the MRI service to be relocated shall cease at its current location within 24 months after the date the application receives a final decision of approval from the Department or upon the date the service becomes operational at the relocation site, whichever occurs first.
 - (d) The MRI service shall be relocated and shall be operational within 24 months after the date the application receives a final decision of approval from the Department or the certificate of need to relocate the MRI service shall expire.
 - (e) The certificate of need application includes a resolution of the applicant's governing body that commits to the provisions of (c) and (d).
 - (f) The relocation of the MRI service shall not result in the licensed hospital site having more than one fixed MRI unit.

Section 8. Requirements for approval of an applicant proposing to acquire an existing MRI service/unit(s)

Sec 8. An applicant proposing to acquire an existing fixed or mobile MRI service/unit(s) shall demonstrate that the proposed project meets all of the following:

- (1) The project will not change the number of MRI units at the site of the MRI service being acquired unless the applicant demonstrates that the project is in compliance with the requirements of Section 3 or 4, as applicable.
- (2) The project will not result in the replacement of an MRI unit at the MRI service to be acquired unless the applicant demonstrates that the requirements of Section 5 also have been met.

(3) The applicant agrees to operate the MRI service/unit(s) in accordance with all applicable project delivery requirements set forth in Section 11 of these standards.

(4) For the first application proposing to acquire an existing fixed or mobile MRI service on or after July 1, 1997, the existing MRI service/unit(s) to be acquired shall not be required to be in compliance with the volume requirements applicable to a seller/lessor on the date the acquisition occurs. The MRI service shall be operating at the applicable volume requirements set forth in Section 11(1)(d)(i) of these standards in the second 12 months after the effective date of the acquisition, and annually thereafter.

(5) For any application proposing to acquire an existing fixed or mobile MRI service/unit(s), except the first application approved pursuant to subsection (4), an applicant shall be required to document that the MRI service/unit(s) to be acquired is operating in compliance with the volume requirements set forth in Section 11(1)(d)(i) of these standards applicable to an existing MRI service on the date the application is submitted to the Department.

Section 9. Requirements for approval of an applicant proposing an MRI unit to be used exclusively for research

Sec. 9. (1) An applicant proposing an MRI unit to be used exclusively for research shall demonstrate each of the following:

(a) The applicant operates a diagnostic radiology residency program approved by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, or an equivalent organization.

(b) The MRI unit shall operate under a protocol approved by the applicant's institutional review board.

(c) The applicant agrees to operate the unit in accordance with the terms of approval in Section 11(2).

(2) An applicant meeting the requirements of subsection (1) shall be exempt from meeting the requirements and terms of sections 3, 4, 5, 6, 7, 8, 11 [with the exception of 11(1)(d)(iii)], 13, and 14 of these standards.

Section 10. Requirements for approval of an applicant proposing to establish dedicated pediatric MRI

Sec. 10. (1) An applicant proposing to establish dedicated pediatric MRI shall demonstrate all of the following:

(A) THE APPLICANT SHALL HAVE EXPERIENCED AT LEAST 7,000 PEDIATRIC (< 18 YEARS OLD) DISCHARGES (EXCLUDING NORMAL NEWBORNS) IN THE MOST RECENT YEAR OF OPERATION.

(B) THE APPLICANT SHALL HAVE PERFORMED AT LEAST 5,000 PEDIATRIC (< 18 YEARS OLD) SURGERIES IN THE MOST RECENT YEAR OF OPERATION.

(c) The applicant shall have an active medical staff, at the time the application is submitted to the department, that includes, but is not limited to, physicians who are fellowship-trained in the following pediatric specialties:

(i) pediatric radiology (at least two)

(ii) pediatric anesthesiology

(iii) pediatric cardiology

(iv) pediatric critical care

(v) pediatric gastroenterology

(vi) pediatric hematology/oncology

(vii) pediatric neurology

(viii) pediatric neurosurgery

(ix) pediatric orthopedic surgery

- (x) pediatric pathology
- (xi) pediatric pulmonology
- (xii) pediatric surgery
- (xiii) neonatology
- (d) The applicant shall have in operation the following pediatric specialty programs at the time the application is submitted to the Department:
 - (i) pediatric bone marrow transplant program
 - (ii) established pediatric sedation program
 - (iii) pediatric open heart program
- (2) An applicant meeting the requirements of subsection (1) shall be exempt from meeting the requirements of Section 4, of these standards.

Section 11. Project delivery requirements--terms of approval

Sec. 11. (1) An applicant shall agree that, if approved, the services provided by the MRI unit, whether fixed or mobile, shall be delivered and maintained in compliance with the following terms of certificate of need approval:

- (a) Compliance with these standards.
- (b) Compliance with applicable safety and operating standards for the specific MRI unit approved.
- (c) Compliance with the following quality assurance standards:
 - (i) An applicant shall develop and maintain policies and procedures that establish protocols for the following system performance measures. The protocols shall establish the required benchmarks; identify the testing interval, which shall be at least quarterly; and identify the MRI staff person responsible for testing the system performance measures.
 - (A) Signal-to-noise ratio.
 - (B) Spatial resolution.
 - (C) Slice thickness, location, and separation.
 - (D) Spatial linearity.
 - (E) Field homogeneity and drift.
 - (F) System calibration and stability.
 - (G) Cryogen level and boiloff rate.
 - (H) Radio frequency power monitor.
 - (I) Hard copy image quality.
 - (ii) An applicant shall develop and maintain policies, procedures, and protocols for assuring the functionality of each of the following MRI accessories. The protocols shall establish the required benchmarks, identify the testing interval for each accessory, and identify the staff person responsible for testing the system performance measures.
 - (A) All surface coils.
 - (B) Positioning devices.

In addition to the designated staff person, the system performance measures in subdivisions (A) through (F) and (H) also shall be evaluated by an appropriately trained MRI physicist or engineer. The physicist/engineer shall conduct tests of these system performance measures when the MRI unit begins to operate, and annually thereafter. The purpose of the physicist/engineer test shall be to certify to the Department that the MRI unit meets or exceeds all of the system performance specifications of the manufacturer of the MRI unit in effect for that MRI unit at the time of installation or most recent upgrade. The physicist/engineer shall make available for review the periodic system performance measures test data established in this subsection.

(ii) An applicant shall develop and maintain policies, procedures, and protocols for assuring the functionality of each of the following MRI accessories. The protocols shall establish the required benchmarks, identify the testing interval for each accessory, and identify the staff person responsible for testing the system performance measures.

- (A) All surface coils.
- (B) Positioning devices.

- (C) Physiologic triggering/monitoring equipment.
- (D) Patient communication devices.
- (E) Scan table position indicator and drives.
- (F) Data network including storage and retrieval.
- (G) Emergency rundown/shutdown units.
- (H) Hard copy devices.
- (iii) An applicant shall develop and maintain policies and procedures that establish protocols for assuring the effectiveness of operation and the safety of the general public, patients, and staff in the MRI service. Each of the following must be included and the staff person responsible for development and enforcement of these policies shall be indicated.
 - (A) Access to the MRI service.
 - (B) Access to the MRI scan room.
 - (C) Patient safety clearance before imaging and safety during imaging.
 - (D) Adverse bioeffects, including
 - (1) acoustic hazard.
 - (2) radio frequency burn hazard.
 - (3) specific absorption rates.
 - (4) peripheral nerve stimulation.
 - (5) pregnancy.
 - (6) magnet quench hazard.
 - (E) Sedation.
 - (F) Contrast administration.
 - (G) Treatment of adverse reactions to contrast.
 - (H) Patient monitoring for sedation, anesthesia, and unstable patients.
 - (I) Patient resuscitation, management of emergencies, maintenance of cardiopulmonary resuscitation equipment, and certification requirements for personnel for either basic or advanced cardiopulmonary resuscitation.
 - (J) Screening for metallic implants, pacemakers, and metallic foreign bodies, as well as a list of contraindications.
 - (K) Mechanism for consultation regarding difficult cases.
 - (L) Pulse sequence protocols for specific indications.
 - (M) Institutional review board policies relating to non-FDA approved pulse sequences or investigational procedures.
 - (N) Staff inservice regarding subdivisions (A) through (M).
- (iv) An applicant shall establish a schedule for preventive maintenance for the MRI unit.
- (v) An applicant shall maintain records of the results of the periodic test data required by subdivisions (i) and (ii), including the results of the tests performed by the MRI physicist/engineer required in subdivision (i). An applicant, upon request, shall submit annually to the Department a report of the test data results and evidence of compliance with the applicable project delivery requirements.
- (vi) An applicant shall provide documentation identifying the specific individuals that form the MRI team. At a minimum, the MRI team shall consist of the following professionals:
 - (A) An MRI team leader who shall be responsible for
 - (1) developing criteria for procedure performance.
 - (2) developing protocols for procedure performance.
 - (3) developing a clinical data base for utilization review and quality assurance purposes.
 - (4) transmitting requested data to the Department.

- (5) screening of patients to assure appropriate utilization of the MRI service.
- (6) taking and interpretation of scans.
- (7) coordinating MRI activity at MRI host sites for a mobile MRI unit.
- (8) identifying and correcting MRI image quality deficiencies.
- (B) Physicians who shall be responsible for screening of patients to assure appropriate utilization of the MRI service and taking and interpretation of scans. At least one of these physicians shall be a board-certified radiologist.
- (C) An appropriately trained MRI technician who shall be responsible for taking an MRI scan.
- (D) An MRI physicist/engineer available as a team member on a full-time, part-time, or contractual basis. An MRI physicist/engineer shall be responsible for at least the following:
 - (1) providing technical specifications for new equipment and assistance in equipment procurement.
 - (2) performing or validating technical performance for system acceptance.
 - (3) establishing preventive maintenance schedules and quality assurance test procedures and recording and reviewing preventive maintenance and quality assurance data.
 - (4) facilitating the repair of acute system malfunctions.
 - (5) training personnel in the MRI service with respect to the technical aspects of MRI scanning and patient and staff safety.
 - (6) assisting in designing and optimizing clinical imaging procedures.
- (E) System maintenance personnel who shall be responsible for calibrating the MRI system and preventive maintenance at regularly scheduled intervals and who shall compile and submit quality control data to the MRI team leader.
- (vii) An applicant shall document that the MRI team members have the following qualifications:
 - (A) The MRI team leader is a board-certified or board-eligible radiologist, or other physician trained in MRI, who spends greater than 75 percent of his or her professional time in multiple anatomic site medical imaging. The MRI team leader also shall demonstrate that he or she meets the requirements set forth in subsection (B) for a physician who interprets MRI images.
 - (B) Each physician credentialed to interpret MRI scans meets the requirements of each of the following:
 - (1) The physician is licensed to practice medicine in the State of Michigan.
 - (2) The physician has had at least 60 hours of training in MRI physics, MRI safety, and MRI instrumentation in a program that is part of an imaging program accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, and the physician meets the requirements of subdivision (i), (ii), or (iii):
 - (i) Board certification by the American Board of Radiology, the American Osteopathic Board of Radiology, or the Royal College of Physicians and Surgeons of Canada. If the diagnostic radiology program completed by a physician in order to become board certified did not include at least two months of MRI training, that physician shall document that he or she has had the equivalent of two months of postgraduate training in clinical MRI imaging at an institution which has a radiology program accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association.
 - (ii) Formal training by an imaging program(s), accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, that included two years of training in cross-sectional imaging and six months training in organ-specific imaging areas.
 - (iii) A practice in which at least one-third of total professional time, based on a full-time clinical practice during the most recent 5-year period, has been the primary interpretation of MR imaging.
 - (3) The physician has completed and will complete a minimum of 40 hours every two years of Category in Continuing Medical Education credits in topics directly involving MR imaging.

- (4) The physician interprets, as the primary interpreting physician, at least 250 unadjusted MRI scans annually.
- (C) An MRI technologist who is registered by the American Registry of Radiologic Technicians and has, or will have within 36 months of the effective date of these standards or the date a technologist is employed by an MRI service, whichever is later, special certification in MRI. If a technologist does not have special certification in MRI within either of the 3-year periods of time, all continuing education requirements shall be in the area of MRI services.
- (D) An applicant shall document that an MRI physicist/engineer is appropriately qualified. For purposes of evaluating this subdivision, the Department shall consider it prima facie evidence as to the qualifications of the physicist/engineer if the physicist/engineer is certified as a medical physicist by the American Board of Radiology, the American Board of Medical Physics, or the American Board of Science in Nuclear Medicine. However, the applicant may submit and the Department may accept other evidence that an MRI physicist/engineer is qualified appropriately.
- (E) An applicant shall document that system maintenance personnel are qualified on the basis of training and experience to perform the calibration, preventive maintenance, and quality control functions on the specific MRI unit approved.
- (viii) The applicant shall have, within the MRI unit/service, equipment and supplies to handle clinical emergencies that might occur in the unit. MRI service staff will be trained in CPR and other appropriate emergency interventions. A physician shall be on-site, in, or immediately available to the MRI unit at all times when patients are undergoing scans.
- (ix) In addition to all other applicable terms of approval, each mobile MRI unit shall have an operations committee with members representing each host site, the central service coordinator, and the medical director. This committee shall oversee the effective and efficient use of the MRI unit, establish the normal route schedule, identify the process by which changes shall be made to the schedule, develop procedures for handling emergency situations, and review the ongoing operations of the mobile MRI unit on at least a quarterly basis.
- (d) Compliance with the following terms of approval, as applicable:
- (i) MRI units shall be operating at a minimum average annual level of utilization during the second 12 months of operation, and annually thereafter, of 6,000 actual MRI adjusted procedures per unit for fixed MRI services, 5,500 actual MRI adjusted procedures per unit for mobile MRI services, and a total of 3,500 MRI adjusted procedures per unit for dedicated pediatric MRI. Each mobile host site in a rural county shall have provided at least a total of 400 adjusted procedures during its second 12 months of operation, and annually thereafter, from all mobile units providing services to the site. Each mobile host site not in a rural county shall have provided at least a total of 600 adjusted procedures during its second 12 months of operation and annually thereafter, from all mobile units providing services to the site. In meeting these requirements, an applicant shall not include any MRI adjusted procedures performed on an MRI unit used exclusively for research and approved pursuant to Section 9(1).
- (ii) The applicant, to assure that the MRI unit will be utilized by all segments of the Michigan population, shall
- (A) provide magnetic resonance services to all individuals based on the clinical indications of need for the service and not on ability to pay or source of payment.
- (B) maintain information by source of payment to indicate the volume of care from each source provided annually.
- Compliance with selective contracting requirements shall not be construed as a violation of this term.
- (iii) The applicant shall participate in a data collection network established and administered by the Department or its designee. The data may include, but is not limited to annual budget and cost information, operating schedules, throughout schedules, demographic and diagnostic information, and the volume of care provided to patients from all payor sources, as well as other data requested by the Department or its designee and approved

by the Commission. The applicant shall provide the required data in a format established by the Department and in a mutually agreed upon media no later than 30 days following the last day of the quarter for which data are being reported to the Department. An applicant shall be considered in violation of this term of approval if the required data are not submitted to the Department within 30 days following the last day of the quarter for which data are being reported. However, the Department shall allow an applicant up to an additional 60 days to submit the required data if reasonable efforts are made by an applicant to provide the required data. The Department may elect to verify the data through on-site review of appropriate records. Data for an MRI unit approved pursuant to Section 9(1) or Section 10 shall be reported separately.

(iv) The operation of and referral of patients to the MRI unit shall be in conformance with 1978 PA 368, Sec. 16221, as amended by 1986 PA 319; MCL 333.16221; MSA 14.15 (16221).

(e)(i) The applicant shall provide the Department with a notice stating the first date on which the MRI unit became operational, and such notice shall be submitted to the Department within 10 days after the MRI unit is placed into operation.

(ii) An applicant who is a central service coordinator shall notify the Department of any additions, deletions, or changes in the host sites of each approved mobile MRI unit within 10 days after the change(s) in host sites is made.

(2) An applicant for an MRI unit under Section 9(1) shall agree that the services provided by the MRI unit approved pursuant to Section 9(1) shall be delivered in compliance with the following terms of certificate of need approval:

(a) The capital and operating costs relating to the research use of the MRI unit approved pursuant to Section 9(1) shall be charged only to a specific research account(s) and not to any patient or third-party payor.

(b) The MRI unit approved pursuant to Section 9(1) shall not be used for any purposes other than as approved by the institutional review board unless the applicant has obtained certificate of need approval for the MRI unit pursuant to Part 222 and these standards, other than Section 9.

(3) The agreements and assurances required by this section shall be in the form of a certification authorized by the owner or governing body of the applicant.

(4) An applicant approved to initiate a fixed MRI service pursuant to Section 3(4) of these standards shall cease operation as a host site and not become a host site for at least 12 months from the date the fixed service/unit becomes operational.

Section 12. MRI procedure adjustments

Sec. 12. (1) The Department shall apply the following formula, as applicable, to determine the number of MRI adjusted procedures that are performed by an existing MRI service or unit:

(a) The base value for each MRI procedure is 1.0.

(b) For each MRI visit involving a pediatric patient, 0.25 shall be added to the base value.

(c) For each MRI visit involving an inpatient, 0.50 shall be added to the base value.

(d) For each MRI procedure performed on a sedated patient, 0.75 shall be added to the base value.

(e) For each contrast MRI procedure performed after use of a contrast agent, and not involving a procedure before use of a contrast agent, 0.35 shall be added to the base value.

(f) For each contrast MRI procedure involving a procedure before and after use of a contrast agent, 1.0 shall be added to the base value.

(g) For each MRI procedure performed at a teaching facility, 0.15 shall be added to the base value.

(h) The results of subsections (a) through (g) shall be summed, and that sum shall represent an MRI adjusted procedure.

(2) The Department shall apply not more than one of the adjustment factors set forth in this subsection, as applicable, to the number of MRI procedures adjusted in accordance with the applicable provisions of subsection (1) that are performed by an existing MRI service or unit.

(a) For a site located in a rural county, the number of MRI adjusted procedures shall be multiplied by a factor of 1.4.

(b) For a mobile MRI unit that serves hospitals and other host sites located in rural and nonrural counties, the number of MRI adjusted procedures for a site located in a rural county shall be multiplied by a factor of 1.4 and for a site located in a nonrural county, the number of MRI adjusted procedures shall be multiplied by a factor of 1.0.

(c) For a mobile MRI unit that serves only sites located in rural counties, the number of MRI adjusted procedures shall be multiplied by a factor of 2.0.

(d) For a mobile MRI unit that serves only sites located in a health service area with one or fewer fixed MRI units and one or fewer mobile MRI units, the number of MRI adjusted procedures shall be multiplied by a factor of 3.5.

(e) Subsection (2) shall not apply to an application proposing a subsequent fixed MRI unit (second, third, etc.) at the same site.

The number of MRI adjusted procedures performed by an existing MRI service is the sum of the results of subsections (1) and (2).

Section 13. Documentation of actual utilization

Sec. 13. Documentation of the number of MRI procedures performed by an MRI unit shall be substantiated by the Department utilizing data submitted by the applicant in a format and media specified by the Department and as verified for the 12-month period reported on the most recently published "Available MRI Adjusted Procedures List" as of the date an application is deemed complete by the Department. The number of MRI procedures actually performed shall be documented by procedure records and not by application of the methodology required in Section 14. The Department may elect to verify the data through on-site review of appropriate records.

Section 14. Methodology for computing the number of available MRI adjusted procedures

Sec. 14. (1) The number of available MRI adjusted procedures required pursuant to Section 3 or 4(2) of these standards shall be computed in accordance with the methodology set forth in this section. In applying the methodology, the following steps shall be taken in sequence, and data for the 12-month period reported on the most recently published "Available MRI Adjusted Procedures List," as of the date an application is deemed complete by the Department, shall be used:

(a) Identify the number of actual MRI adjusted procedures performed by each existing MRI service as determined pursuant to Section 12.

(i) For purposes of computing actual MRI adjusted procedures, MRI adjusted procedures performed on MRI units used exclusively for research and approved pursuant to Section 9(1) and dedicated pediatric MRI approved pursuant to Section 10 shall be excluded.

(II) FOR PURPOSES OF COMPUTING ACTUAL MRI ADJUSTED PROCEDURES, THE MRI ADJUSTED PROCEDURES, FROM THE HOST SITE(S) UTILIZED TO MEET THE REQUIREMENTS OF SECTION 3(4)(D), SHALL BE EXCLUDED FOR THREE YEARS FROM THE DATE THE FIXED MRI UNIT BECOMES OPERATIONAL.

(B) IDENTIFY THE NUMBER OF AVAILABLE MRI ADJUSTED PROCEDURES, IF ANY, FOR EACH EXISTING MRI SERVICE AS DETERMINED PURSUANT TO SECTION 2(1)(C).

(c) Determine the number of available MRI adjusted procedures that each referring doctor may commit from each service to an application in accordance with the following:

(i) Divide the number of available MRI adjusted procedures identified in subsection (b) for each service by the number of actual MRI adjusted procedures identified in subsection (a) for that existing MRI service.

(ii) For each doctor referring to that existing service, multiply the number of actual MRI adjusted procedures that the referring doctor made to the existing MRI service by the applicable proportion obtained by the calculation in subdivision (c)(i).

(A) For each doctor, subtract any available adjusted procedures previously committed. The total for each doctor cannot be less than zero.

(B) The total number of available adjusted procedures for that service shall be the sum of the results of (A) above.

(III) FOR EACH MRI SERVICE, THE AVAILABLE MRI ADJUSTED PROCEDURES RESULTING FROM THE CALCULATION IN (II) ABOVE SHALL BE SORTED IN DESCENDING ORDER BY THE AVAILABLE MRI ADJUSTED PROCEDURES FOR EACH DOCTOR. THEN ANY DUPLICATE VALUES SHALL BE SORTED IN DESCENDING ORDER BY THE DOCTORS' LICENSE NUMBERS (LAST 6 DIGITS ONLY).

(IV) USING THE DATA PRODUCED IN III ABOVE, SUM THE NUMBER OF AVAILABLE ADJUSTED PROCEDURES IN DESCENDING ORDER UNTIL THE SUMMATION EQUALS AT LEAST 75 PERCENT OF THE TOTAL AVAILABLE ADJUSTED PROCEDURES. THIS SUMMATION SHALL INCLUDE THE MINIMUM NUMBER OF DOCTORS NECESSARY TO REACH THE 75 PERCENT LEVEL.

(V) FOR THE DOCTORS REPRESENTING 75 PERCENT OF THE TOTAL AVAILABLE ADJUSTED PROCEDURES IN (IV) ABOVE, SUM THE AVAILABLE ADJUSTED PROCEDURES.

(VI) FOR THE DOCTORS USED IN SUBSECTION (V) ABOVE, DIVIDE THE TOTAL NUMBER OF AVAILABLE ADJUSTED PROCEDURES IDENTIFIED IN (B) ABOVE BY THE SUM OF THOSE AVAILABLE ADJUSTED PROCEDURES PRODUCED IN (V) ABOVE.

(VII) FOR ONLY THOSE DOCTORS IDENTIFIED IN (V) ABOVE, MULTIPLY THE RESULT OF (VI) ABOVE BY THE AVAILABLE ADJUSTED PROCEDURES CALCULATED IN (C)(II)(A) ABOVE.

(VIII) THE RESULT SHALL BE THE "AVAILABLE _{mri} ADJUSTED PROCEDURES LIST."

(2) AFTER PUBLICATION OF THE "AVAILABLE MRI ADJUSTED PROCEDURES LIST" RESULTING FROM (I) ABOVE, THE DATA SHALL BE UPDATED TO ACCOUNT FOR A) DOCTOR COMMITMENTS OF AVAILABLE MRI ADJUSTED PROCEDURES IN SUBSEQUENT MRI CERTIFICATE OF NEED APPLICATIONS AND B) MRI ADJUSTED PROCEDURES USED IN SUBSEQUENT MRI CERTIFICATE OF NEED APPLICATIONS RECEIVED IN WHICH APPLICANTS APPLY FOR FIXED MRI SERVICES PURSUANT TO SECTION 3(4).

Section 15. Procedures and requirements for commitments of available MRI adjusted procedures

Sec. 15. (1) If one or more host sites on a mobile MRI service are located within the planning area of the proposed site, the applicant may access available MRI adjusted procedures from the entire mobile MRI service.

(2)(a) At the time the application is submitted to the Department, the applicant shall submit a signed data commitment, on a form provided by the Department in response to the applicant's letter of intent or at the

applicant's discretion, on a more current form subsequently provided by the Department, for each doctor committing available MRI adjusted procedures to that application for a new or additional MRI unit pursuant to Section 3 or Section 4(2), respectively.

(b) An applicant also shall submit, at the time the application is filed with the Department, a computer file that lists, for each MRI service from which data are being committed to the same application, the name and license number of each doctor for whom a signed data commitment form is submitted.

(i) The computer file shall be provided to the Department on mutually agreed upon media and in a format prescribed by the Department.

(ii) If the doctor commitments submitted on the departmental forms do not agree with the data on the computer file, the applicant shall be allowed to correct only the computer file data.

(C) IF THE REQUIRED DOCUMENTATION FOR THE DOCTOR COMMITMENTS SUBMITTED UNDER THIS SUBSECTION IS NOT SUBMITTED WITH THE APPLICATION ON THE DESIGNATED APPLICATION DATE, THE APPLICATION WILL BE DEEMED FILED ON THE FIRST APPLICABLE DESIGNATED APPLICATION DATE AFTER ALL REQUIRED DOCUMENTATION IS RECEIVED BY THE DEPARTMENT.

(3) The Department shall consider a data commitment, on a form provided by the Department in response to the applicant's letter of intent or at the applicant's discretion, on a more current form subsequently provided by the Department, submitted by the applicant in support of its application, that meets the requirements of each of the following, as applicable:

(a) A committing doctor certifies that 100% of his or her available MRI adjusted procedures for each specified MRI service, calculated pursuant to Section 14, is being committed and specifies the certificate of need application number, for the new fixed or mobile MRI unit or for the additional mobile MRI unit proposed to be located within the planning area, to which the data commitment is made. A doctor shall not be required to commit available MRI adjusted procedures from all MRI services to which his or her patients are referred for MRI services but only from those MRI services specified by the doctor in the data commitment form provided by the Department and submitted by the applicant in support of its application.

(b) A committing doctor certifies that he or she does not have an ownership interest, either direct or indirect, in the applicant entity, except that this requirement shall not apply if the applicant entity is a group practice of which the committing doctor is a member.

(c) A committing doctor certifies that he or she has not been provided, or received a promise of being provided, a financial incentive to commit any of his or her available MRI adjusted procedures to the application.

(4)(a) The Department shall not consider a data commitment from a doctor for available MRI adjusted procedures from a specific MRI service if the available MRI adjusted procedures from that specific MRI service were used to support approval of an application for a new or additional MRI unit, pursuant to Section 3 or 4(2), respectively, for which a final decision to approve has been issued by the Director of the Department until either of the following occurs:

(i) The approved certificate of need is withdrawn or expires.

(ii) The MRI service or unit to which the data were committed has been in operation for at least 36 continuous months.

(b) The Department shall not consider a data commitment from a doctor for available MRI adjusted procedures from a specific MRI service if the available MRI adjusted procedures from that specific MRI service were used to support an application for a new fixed or mobile MRI unit or additional mobile MRI unit pursuant to Section 3 or 4(2), respectively, for which a final decision to disapprove was issued by the Director of the Department until either of the following occurs:

- (i) A final decision to disapprove an application is issued by the Director and the applicant does not appeal that disapproval or
 - (ii) If an appeal was made, either that appeal is withdrawn by the applicant or the committing doctor withdraws his or her data commitment pursuant to the requirements of subsection (8).
- (5) The Department shall not consider a data commitment from a committing doctor for available MRI adjusted procedures from the same MRI service if that doctor has submitted a signed data commitment, on a form provided by Department, for more than one (1) application for which a final decision has not been issued by the Department. If the Department determines that a doctor has submitted a signed data commitment for the same available MRI adjusted procedures from the same MRI service to more than one certificate of need application pending a final decision for a new fixed or mobile MRI unit or additional mobile MRI unit pursuant to Section 3 or 4(2), respectively, the Department shall,
- (a) if the applications were filed on the same designated application date, notify all applicants, simultaneously and in writing, that one or more doctors have submitted data commitments for available MRI adjusted procedures from the same MRI service and that the doctors' data from the same MRI service shall not be considered in the review of any of the pending applications filed on the same designated application date until the doctor notifies the Department, in writing, of the one (1) application for which the data commitment shall be considered.
 - (b) if the applications were filed on different designated application dates, consider the data commitment submitted in the application filed on the earliest designated application date and shall notify, simultaneously in writing, all applicants of applications filed on designated application dates subsequent to the earliest date that one or more committing doctors have submitted data commitments for available MRI adjusted procedures from the same MRI service and that the doctors' data shall not be considered in the review of the application(s) filed on the subsequent designated application date(s).
- (6) The Department shall not consider any data commitment submitted by an applicant after the date an application is deemed complete unless an applicant is notified by the Department, pursuant to subsection (5), that one or more committing doctors submitted data commitments for available MRI adjusted procedures from the same MRI service. If an applicant is notified that one or more doctors' data commitments will not be considered by the Department, the Department shall consider data commitments submitted after the date an application is deemed complete only to the extent necessary to replace the data commitments not being considered pursuant to subsection (5).
- (7) In accordance with either of the following, the Department shall not consider a withdrawal of a signed data commitment
- (a) during the 120-day period following the date on which the Department's review of an application commences.
 - (b) after a proposed decision to approve an application has been issued by the Department.
- (8) The Department shall consider a withdrawal of a signed data commitment if a committing doctor submits a written notice to the Department, that specifies the certificate of need application number and the specific MRI services for which a data commitment is being withdrawn, and if an applicant demonstrates that the requirements of subsection (7) also have been met.

Section 16. Lists of MRI adjusted procedures published by the Department

Sec. 16. (1) At a minimum, on or before May 1 and November 1 of each year, the Department shall publish the following lists:

- (a) A list, known as the "MRI Service Utilization List," of all MRI services in Michigan that includes at least the following for each MRI service:
 - (i) The number of actual MRI adjusted procedures;
 - (ii) The number of available MRI adjusted procedures, if any; and
 - (iii) The number of MRI units, including whether each unit is a clinical unit or an MRI unit used exclusively for research.
- (b) A list, known as the "Available MRI Adjusted Procedures List," that identifies each MRI service that has available MRI adjusted procedures and includes at least the following:
 - (i) The number of available MRI adjusted procedures;
 - (ii) The name, address, and license number of each referring doctor, identified in Section 14(1)(c)(v), whose patients received MRI services at that MRI service; and
 - (iii) The number of available MRI adjusted procedures performed on patients referred by each referring doctor, identified in Section 14(1)(c)(v), and if any are committed to an MRI service. This number shall be calculated in accordance with the requirements of Section 14(1). A referring doctor may have fractional portions of available MRI adjusted procedures.
- (c) For the lists published pursuant to subsections (a) or (b), the May 1 list will report 12 months of data from the previous November 1 through October 31 reporting period, and the November 1 list will report 12 months of data from the previous May 1 through April 30 reporting period. Copies of both lists shall be available upon request.
- (d) The Department shall not be required to publish a list that sorts MRI database information by referring doctor, only by MRI service.
- (2) When an MRI service begins to operate at a site at which MRI services previously were not provided, the Department shall include in the MRI database, data beginning with the second full quarter of operation of the new MRI service. Data from the start-up date to the start of the first full quarter will not be collected to allow a new MRI service sufficient time to develop its data reporting capability. Data from the first full quarter of operation will be submitted as test data but will not be reported in the lists published pursuant to this section.
- (3) In publishing the lists pursuant to subsections (a) and (b), if an MRI service has not reported data in compliance with the requirements of Section 11(1)(d)(iii), the Department shall indicate on both lists that the MRI service is in violation of the requirements set forth in Section 11(1)(d)(iii), and no data will be shown for that service on either list.
- (4) In the case of an MRI service at which MRI services previously were not provided, the Department may use annualized data from at least a consecutive six-month period in publishing the lists pursuant to subsections (a) and (b).

Section 17. Comparative reviews

Sec. 17. (1) These certificate of need review standards supersede and replace the Certificate of Need Review Standards for Magnetic Resonance Imaging Services approved by the Certificate of Need Commission on March 12, 2002 and effective May 24, 2002. Further, the requirements found in these standards shall be used by the Department in its review of applications submitted to the Department on or after the effective date of these revised standards approved by the Certificate of Need Commission on May 14, 2002, and the requirements found in the standards effective on May 24, 2002 shall be used by the Department in its review of applications submitted to the Department before the effective date of these revised standards approved by the Certificate of Need Commission on May 14, 2002.

- (2) Projects reviewed under these standards shall not be subject to comparative review.

Section 18. Health Service Areas

Sec. 18. Counties assigned to each of the health service areas are as follows:

HSA		COUNTIES	
1	Livingston Macomb Wayne	Monroe Oakland	St. Clair Washtenaw
2	Clinton Eaton	Hillsdale Ingham	Jackson Lenawee
3	Barry Berrien Branch	Calhoun Cass Kalamazoo	St. Joseph Van Buren
4	Allegan Ionia Kent Lake	Mason Mecosta Montcalm Muskegon	Newaygo Oceana Osceola Ottawa
5	Genesee	Lapeer	Shiawassee
6	Arenac Bay Clare Gladwin Gratiot	Huron Iosco Isabella Midland Ogemaw	Roscommon Saginaw Sanilac Tuscola
7	Alcona Alpena Antrim Benzie Charlevoix Cheboygan	Crawford Emmet Gd Traverse Kalkaska Leelanau Manistee	Missaukee Montmorency Oscoda Otsego Presque Isle Wexford
8	Alger Baraga Chippewa Delta Dickinson	Gogebic Houghton Iron Keweenaw Luce	Mackinac Marquette Menominee Ontonagon Schoolcraft

**OPINIONS OF THE
ATTORNEY GENERAL**

MCL 14.32 states in part:

“It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(j) Attorney general opinions. ”

OPINIONS OF THE ATTORNEY GENERAL

CRIMINAL LAW:

Delivery of fugitive who signed prior waiver of extradition

LAW ENFORCEMENT:

A Michigan law enforcement agency having custody of a person who signed a prior waiver of extradition in another state may deliver the person to the other state without first taking the person before a judge, provided that all conditions set forth in section 25a of the Uniform Criminal Extradition Act are established.

Opinion No. 7112

June 28, 2002

Mr. John G. McBain
Jackson County Prosecutor
312 South Jackson Street
Jackson, MI 49201

You have asked whether a Michigan law enforcement agency having custody of a person who signed a waiver of extradition may deliver the person to another state without first taking the person before a judge.

The Uniform Criminal Extradition Act (UCEA), 1937 PA 144, MCL 780.1 *et seq*, was enacted to make uniform the procedure governing interstate extradition. Through 1994 PA 380, the Legislature added new section 25a to provide a mechanism to bypass the lengthy formal extradition process in certain specified circumstances. Section 25a provides that:

Notwithstanding section 3,¹ a law enforcement agency in this state holding an individual who is alleged to have broken the terms of his or her probation, parole, bail, or other release in the demanding state shall immediately deliver the individual to the authorized agent of the demanding state without the requirement of a governor's warrant if all of the following have occurred:

¹ Section 3 of the UCEA specifies the form and content of the papers that must accompany a formal request to the Governor seeking an extradition.

(a) The individual has signed a prior waiver of extradition as a term of his or her current probation, parole, bail, or other release in the demanding state.

(b) The law enforcement agency holding the individual has received a copy of the prior waiver of extradition signed by the individual and confirmed by the demanding agency.

(c) The law enforcement agency has received photographs, fingerprints, or other evidence that properly identify the individual who signed the waiver.

By its terms, the statute does not require a court hearing or judicial determination before the law enforcement agency may act. The omission in the statutory language of any judicial oversight role is the primary indicator of legislative intent. However, since the statute is silent on the issue of a judicial role, there is some ambiguity. In cases of ambiguity, it is appropriate to consult the legislative history as a tool of statutory interpretation. *Luttrell v Dep't of Corrections*, 421 Mich 93, 103; 365 NW2d 74 (1985).

A study of the legislative history of 1994 SB 1071, which became 1994 PA 380, confirms that the absence of language requiring judicial involvement was not an oversight but a deliberate judgment by the Legislature. On third reading in the Senate, SB 1071 amended section 25a to require as a condition of the waiver of extradition that:

"(1) . . . A *JUDGE* OF ANY COURT OF RECORD WITHIN THIS STATE *FINDS* THAT ALL OF THE FOLLOWING HAVE OCCURRED:

(A) THE INDIVIDUAL HAS SIGNED A WRITTEN WAIVER OF EXTRADITION AS A TERM OR CONDITION OF HIS OR HER CURRENT PROBATION, PAROLE, BAIL, OR OTHER RELEASE IN THE DEMANDING STATE.

(B) THE PEACE OFFICER OR LAW ENFORCEMENT AGENCY HOLDING THE INDIVIDUAL HAS RECEIVED A COPY OF THE WRITTEN WAIVER OF EXTRADITION SIGNED BY THE INDIVIDUAL AND THE AUTHENTICITY OF THE COPY HAS BEEN

CONFIRMED BY A COURT, AGENCY, OR AUTHORIZED AGENT OF THE DEMANDING STATE.

(C) THE PEACE OFFICER OR LAW ENFORCEMENT AGENCY HOLDING THE INDIVIDUAL HAS RECEIVED PHOTOGRAPHS, FINGERPRINTS, OR OTHER EVIDENCE THAT IDENTIFIES THE INDIVIDUAL BEING HELD AS THE INDIVIDUAL WHO SIGNED THE WRITTEN WAIVER OF EXTRADITION.

(2) *IF THE COURT DETERMINES* THAT THERE HAS BEEN A WAIVER OF EXTRADITION UNDER SUBSECTION (1), *THE COURT SHALL ORDER* THE PEACE OFFICER OR LAW ENFORCEMENT AGENCY HOLDING THE INDIVIDUAL TO DELIVER THE INDIVIDUAL INTO THE CUSTODY OF THE AUTHORIZED AGENT OF THE DEMANDING STATE." [Emphasis added.]

As thus amended, the Senate passed SB 1071 by vote of Yeas - 34, Nays - 0. 1994 Journal of Senate 1213-1214. The House, however, approved SB 1071 by enacting House Substitute (H-1) *without* the above-quoted provision for judicial oversight. 1994 Journal of the House 2578. The Senate concurred in the House Substitute (H-1) to SB 1071. 1994 Journal of Senate 2212. Thus, the legislative history of section 25a confirms the Legislature's intent that a fugitive from another state who is alleged to have broken the terms of probation, parole, bail, or other release and who has executed a prior waiver of extradition in that state may be delivered to a demanding state without first being taken before a judge.

The purpose of amendatory 1994 PA 380 is explained in Senate Legislative Analysis, SB 1071, December 20, 1994, which states that if the three requirements in the statute are satisfied then:

[A] law enforcement agency in this State holding an individual who was alleged to have broken the terms of his or her probation, parole, bail, or other release in the demanding state, immediately would have to deliver the individual to the authorized agent of the demanding state without the requirement of a governor's warrant

Had the Legislature intended to require judicial involvement in the section 25a procedure, it could have done so. For example, section 25 of the UCEA expressly provides for a waiver of extradition to be executed in this state by a fugitive in the presence of a judge of a court of record, and an explanation by the judge of the fugitive's right to issuance of a warrant of extradition and his or her right to obtain a writ of habeas corpus.

Michigan appellate courts have not addressed whether judicial review is necessary before a law enforcement agency may return a fugitive who has executed a prior waiver of extradition in another state as a condition of his or her release. The issue, however, has been addressed by appellate courts in other states. In *Ex Parte Johnson*, 610 SW2d 757, 759 (Tex Crim App, 1981), the court held that formal extradition proceedings were unnecessary where the absconding probationer or parolee signed a prior waiver of extradition in another state as a condition of release in that state under the UCEA. In *Commonwealth v Green*, 581 A2d 544, 556 (Penn, 1990), the Pennsylvania Supreme Court followed the rule in *Ex Parte Johnson*, and stated:

The vast majority of the decisions we have found reject the view that a waiver before a judge or magistrate is the exclusive and only way in which extradition can be waived.

The court concluded that there was nothing illegal or unconstitutional about this extradition waiver procedure. *Green*, 581 A2d at 557; See also *New Jersey v Maglio*, 459 A2d 1209, 1212 (NJ Super, 1983). But see *In re Klock*, 133 Cal App 3d 726; 184 Cal Rptr 234, 237 (1982), where a divided California Court of Appeals was constrained to follow the earlier California Supreme Court decision in *In re Patterson*, 64 Cal 2d 357; 411 P2d 897 (1966), holding that the extradition waiver must be signed before a magistrate in the asylum state.

It is my opinion, therefore, that a Michigan law enforcement agency having custody of a person who signed a prior waiver of extradition in another state may deliver the person to the other state without first taking

the person before a judge, provided that all conditions set forth in section 25a of the Uniform Criminal Extradition Act are established.

JENNIFER M. GRANHOLM
Attorney General

OPINIONS OF THE ATTORNEY GENERAL

CONCEALED WEAPONS: Reserve police officer carrying exposed pistol
in gun-free zones established by Concealed
Pistol Licensing Act

FIREARMS: Reserve police officer carrying exposed pistol
in gun-free zones established by Michigan

LAW ENFORCEMENT: Penal Code.

PEACE OFFICERS:

A uniformed reserve police officer acting as an unpaid volunteer for a local police agency may carry an exposed, holstered pistol within the gun-free zones established by the Concealed Pistol Licensing Act; and if the officer is either a fully authorized "peace officer" or, alternatively, possesses a valid concealed pistol license issued under the Concealed Pistol Licensing Act, he or she may also carry an exposed, holstered pistol within the gun-free zones established by the Michigan Penal Code.

Opinion No. 7113

June 28, 2002

Honorable Gary C. Peters
State Senator
The Capitol
Lansing, MI

Honorable Mary Ann Middaugh
State Representative
The Capitol
Lansing, MI

Honorable Larry Julian
State Representative
The Capitol
Lansing, MI

You have asked whether a uniformed reserve police officer acting as an unpaid volunteer for a local police agency may carry an exposed, holstered pistol within a "gun-free zone" established by the Concealed Pistol Licensing Act.

Your inquiry is governed by the interplay between two separate but related statutes, both of which regulate the possession of firearms.

The Concealed Pistol Licensing Act, 1927 PA 372, MCL 28.421 *et seq*, regulates the possession and carrying of *concealed* pistols. The Act prohibits persons from carrying a concealed pistol unless they have been licensed in accordance with the provisions of that Act. Amendatory 2000 PA 381 made significant changes to the Act. Section 5b(7) sets forth specific qualifications a person must possess in order to receive a license to carry a concealed pistol and further provides that a county concealed weapon licensing board "shall issue a license" to an applicant who meets those requirements. The Act also provides that a person who is issued a license under the Act may carry a concealed pistol "anywhere in this state" except in certain designated classes of locations listed in section 5o of the Act. Those exceptions, commonly referred to as "gun free zones," include the following:

- a) A school or school property
- b) A public or private day care center, public or private child caring agency, or public or private child placing agency.
- c) A sports arena or stadium.
- d) A dining room, lounge, or bar area of a premises licensed under the Michigan liquor control code of 1998 This subdivision shall not apply to an owner or employee of the premises.
- e) Any property or facility owned or operated by a church, synagogue, mosque, temple, or other place of worship, unless the presiding official or officials of the church, synagogue, mosque, temple, or other place of worship permit the carrying of concealed pistol on that property or facility.
- f) An entertainment facility [that has a seating capacity of 2,500 or more]
- g) A hospital.
- h) A dormitory or classroom of a community college, college, or university. [Section 5o(1).]

Section 12a of the Act expressly exempts certain persons from the requirements of the Act, including:

(a) A *peace officer* of a duly authorized police agency of the United States or of this state or a political subdivision of this state, *who is regularly employed* and paid by the United States or this state or a subdivision of this state, except a township constable. [Emphasis added.]

Under the express terms of this section, a police officer or reserve police officer is exempt from the requirements of the Concealed Pistol Licensing Act, including the prohibition against carrying a concealed weapon in a “gun free zone,” but only if the officer (1) possesses the full authority of a peace officer, and not merely special or limited law enforcement authority; and (2) is regularly employed and paid for those services. *See* OAG, 2001-2002, No 7098, p 74 (January 11, 2002). Your inquiry does not specify whether the uniformed reserve officer in question possesses the full authority of a peace officer. You do, however, specify that the officer in question serves as an unpaid volunteer. Because the exemption contained in section 12a(a) is limited to officers who are “regularly employed,” an unpaid volunteer officer is not exempt from the provisions of the Concealed Pistol Licensing Act and is, therefore, prohibited from carrying a *concealed* pistol in a designated “gun free zone.” OAG No 7098, *supra*.

A plain reading of section 5o(1) of the Concealed Pistol Licensing Act discloses, however, that its prohibition applies only to the carrying of pistols that are “concealed.” A holstered pistol carried openly and in plain view is not “concealed” and therefore does not violate the prohibition contained in that section. *See, e.g.,* OAG, 1951-1952, No 1388, p 228 (April 18, 1951) (“Should they be so directed by their superior officers, auxiliary police while on duty may carry weapons openly, the prohibition in the Penal Code applying only to ‘concealed’ weapons.”), *Cf., People v Johnnie W. Jones*, 12 Mich App 293, 296; 162 NW2d 847 (1968); and *People v Kincade*, 61 Mich App 498, 502; 233 NW2d 54 (1975).

This, however, does not end the analysis of your question. The carrying of firearms in public is also restricted by the Michigan Penal Code, 1931 PA 328, MCL 750.1 *et seq.* Section 234d of the Penal Code identifies certain “gun free zones” similar to those enumerated in section 5o of the Concealed Pistol Licensing Act; within those specified zones, the possession of firearms is strictly prohibited, subject to limited exceptions. Specifically, section 234d(1) of the Penal Code provides that:

(1) Except as provided in subsection (2), a person shall not possess a firearm on the premises of any of the following:

(a) A depository financial institution or a subsidiary or affiliate of a depository financial institution.

(b) A church or other house of religious worship.

(c) A court.

(d) A theatre.

(e) A sports arena.

(f) A day care center.

(g) A hospital.

(h) An establishment licensed under the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws.

This language is significantly broader than that employed by section 5o of the Concealed Pistol Licensing Act. By its express terms, section 234d(1) of the Penal Code applies to firearms generally, not merely to pistols, and applies to firearms whether concealed or not. Subsection (2) of this provision creates several specific exceptions to this prohibition, two of which are germane to your inquiry. It provides, in pertinent part that:

(2) This section does not apply to any of the following:

* * *

(b) A peace officer.

(c) A person licensed by this state or another state to carry a concealed weapon.

Similarly, section 237a(4) of the Penal Code prohibits possession of a firearm in a weapon free school zone, a term defined in section 237a(6)(d) as "school property and a vehicle used by a school to transport students to or from school property." Like section 234d(2), the prohibition against possessing firearms in a school zone does not apply to a peace officer or to a person licensed to carry a concealed weapon. Section 237a(5).

If a reserve officer qualifies as a peace officer, then the officer is exempt from the prohibition contained in sections 234d(1) and 237a(4) of the Penal Code concerning the possession of firearms on specified premises. If not, sections 234d(2)(c) and 237a(5)(c) of the Penal Code also exempt "[a] person licensed by this state or another state to carry a concealed weapon." A license issued by a county concealed weapon licensing board under section 5b(7) of the Concealed Pistol Licensing Act clearly satisfies the latter exemption. Thus, possession of such a license would enable a reserve police officer to carry an exposed, holstered pistol in the "gun free zones" described in sections 234d and 237a of the Penal Code.

It is my opinion, therefore, that a uniformed reserve police officer acting as an unpaid volunteer for a local police agency may carry an exposed, holstered pistol within the gun-free zones established by the Concealed Pistol Licensing Act; and if the officer is either a fully authorized "peace officer" or, alternatively,

possesses a valid concealed pistol license issued under the Concealed Pistol Licensing Act, he or she may also carry an exposed, holstered pistol within the gun-free zones established by the Michigan Penal Code.

JENNIFER M. GRANHOLM
Attorney General

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2002 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2002 SESSION)**

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
1		472	Yes	1/21	1/23	01/23/02	STATE; Funds; children's trust fund; revise investment options. (Sen. S. Johnson)
2	5027		Yes	1/21	1/23	01/23/02	HIGHWAYS; Name; renaming certain portion of M-69; designate as "Oscar G. Johnson Memorial Highway". (Rep. D. Bovin)
3		430	No	2/6	2/7	**	ENVIRONMENTAL PROTECTION; Other; dark sky preserve; repeal sunset. (Sen. B. Hammerstrom)
4		471	Yes	2/6	2/7	02/07/02	FINANCIAL INSTITUTIONS; Other; licensing of residential mortgage originator; clarify. (Sen. B. Leland)
5		615	Yes	2/6	2/7	02/07/02	HIGHWAYS; Name; renaming a certain portion of US-127; establish as the "Gary Priess Memorial Highway." (Sen. V. Garcia)
6	5436		Yes	2/14	2/14	02/14/02	PROPERTY; Conveyances; transfer of certain state owned properties in Tuscola county and Wayne county; provide for. (Rep. T. Meyer)
7		682	Yes	2/14	2/14	02/14/02	CHILDREN; Support; citation in divorce law; enact change necessitated by 2001 PA 107. (Sen. B. Hammerstrom)
8		683	Yes	2/14	2/14	02/14/02	CHILDREN; Support; citation in the family support act; enact changes necessitated by 2001 PA 111. (Sen. B. Hammerstrom)
9		684	Yes	2/14	2/14	02/14/02	CHILDREN; Support; citation in child custody act; enact change necessitated by 2001 PA 108. (Sen. B. Hammerstrom)
10		434	Yes	2/14	2/14	02/14/02	CHILDREN; Protection; reporting suspected child abuse or neglect; clarify provisions and add categories of mandated reporters. (Sen. B. Hammerstrom)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
11	4195		Yes	2/18	2/19	02/19/02	HEALTH FACILITIES; Nursing homes; individual responsible for receiving complaints and conducting complaint investigations; require nursing home to have such individual available 24 hours per day, 7 days per week. (Rep. B. Patterson)
12	4980		Yes	2/18	2/19	02/19/02	HIGHWAYS; Name; renaming certain portion of I-69; designate as "Purple Heart Highway." (Rep. P. DeWeese)
13	5005		Yes	2/18	2/19	2/19/02	TRANSPORTATION; Other; motor fuels quality; revise standards and penalties. (Rep. L. Julian)
14	5009		Yes	2/18	2/19	2/19/02	CHILDREN; Abuse or neglect; failure to report; increase penalties. (Rep. M. Middaugh)
15	4487		Yes	2/21	2/21	2/21/02	COMMERCIAL CODE; Sales; price of goods for which a writing is required for an enforceable contract; increase minimum to \$1,000.00. (Rep. J. Koetje)
16	4009		Yes	2/27	2/28	2/28/02	AGRICULTURE; Other; low-interest loans for certain agricultural disasters; provide for. (Rep. R. Jelinek)
17	4812		Yes	2/28	3/1	3/1/02	LIENS; Generally; ownership and lien rights of dies, molds, and forms; revise. (Rep. A. Richner)
18	5382		Yes	2/28	3/1	3/1/2002 #	COMMERCIAL CODE; Secured transactions; reference to molder's lien act in secured transactions; amend uniform commercial code to provide. (Rep. M. Mortimer)
19	5023		Yes	3/4	3/4	03/04/02	COUNTIES; Other; recording requirements of register of deeds; revise. (Rep. A. Sanborn)
20	5024		Yes	3/4	3/4	03/04/02	PROPERTY; Land contracts; contracts for sale of land; eliminate witness requirement. (Rep. A. Sanborn)
21	5025		Yes	3/4	3/4	03/04/02	LAND USE; Land division; signatures on proprietor's certificate on the plat; eliminate witness requirement. (Rep. A. Sanborn)

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22	5186		Yes	3/4	3/4	03/04/02	COUNTIES ; Employees and officers; requirement for medical examiner to live in county of appointment; eliminate, and repeal acts and parts of acts. (Rep. G. Van Woerkom)
23	5022		Yes	3/4	3/4	03/04/02	COUNTIES ; Employees and officers; procedure for recording deeds and mortgages; eliminate witness requirement. (Rep. A. Sanborn)
24		505	No	3/5	3/6	** #	CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guideline provisions for possession of firearms on commercial airport property; provide for. (Sen. P. Hoffman)
25		718	Yes	3/5	3/6	03/06/02	WORKER'S COMPENSATION ; Insurers; certain assessments; revise. (Sen. B. Bullard Jr.)
26		496	Yes	3/5	3/6	03/06/02	INSURANCE ; Insurers; service of process in certain cases; provide for. (Sen. B. Bullard Jr.)
27	4028		Yes	3/5	3/6	03/06/02	LOCAL GOVERNMENT ; Other; spot blight designation and acquisition; provide for. (Rep. A. Richner)
28	5389		Yes	3/7	3/7	04/01/02	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. W. McConico)
29	5390		Yes	3/7	3/7	04/01/02	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. W. O'Neil)
30	5391		Yes	3/7	3/7	04/01/02	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. J. Faunce)
31	5392		Yes	3/7	3/7	04/01/02	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. L. Julian)

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32		493	Yes	3/7	3/7	03/07/02	INSURANCE ; Other; requirement for commissioner to obtain approval of a circuit court judge before issuing a subpoena in certain cases; eliminate. (Sen. B. Bullard Jr.)
33	5483		Yes	3/7	3/7	3/7/2002 #	BUSINESSES ; Nonprofit corporations; career development and distance learning; provide for in nonprofit corporation act. (Rep. J. Gilbert II)
34	5393		Yes	3/7	3/7	***	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. J. Faunce)
35		541	Yes	3/7	3/7	05/15/02	AERONAUTICS ; Other; general amendments; provide for. (Sen. W. North)
36	5482		Yes	3/7	3/7	03/07/02	BUSINESSES ; Nonprofit corporations; establishment and operation of registered distance learning corporations; authorize. (Rep. J. Allen)
37		604	Yes	3/7	3/7	03/07/02	INSURANCE ; Property and casualty; mandatory exams of rating organizations; eliminate. (Sen. V. Garcia)
38		605	Yes	3/7	3/7	03/07/02	INSURANCE ; No-fault; reference to public service commission certification; revise to the department of transportation. (Sen. M. Goschka)
39	5139		Yes	3/11	3/12	03/12/02	EDUCATION ; School districts; access to high school campus and certain student directory information for official armed forces recruiting representatives; require. (Rep. W. Kuipers)
40	4690		Yes	3/11	3/12	03/12/02	STATE ; Interstate compacts and agreements; Michigan participation in the interstate compact for adult offender supervision; establish. (Rep. C. LaSata)
41	5337		Yes	3/11	3/12	03/12/02	TRANSPORTATION ; Carriers; weight restrictions on certain highways or roads; revise. (Rep. J. Gilbert II)

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42	4987		Yes	3/12	3/12	03/12/02	OCCUPATIONS; Real estate; procedure for a deposit held by an escrowee; clarify. (Rep. M. Bishop)
43		180	Yes	3/13	3/14	03/14/02	CRIMES; Prostitution; qualifying underlying offenses to establish second, third, and subsequent offense violations; amend. (Sen. B. Schuette)
44	4325		Yes	3/13	3/14	6/1/2002 #	CRIMES; Prostitution; criteria for determining prior prostitution offenses; amend to include consideration of local ordinance violations. (Rep. C. Bisbee)
45	5449		Yes	3/13	3/14	6/1/2002 #	CRIMES; Prostitution; age limit restricting prosecution for certain prostitution violations; revise, and eliminate requirement of knowledge of age of child for certain other sex-related crimes. (Rep. J. Gilbert II)
46		1029	Yes	3/13	3/14	6/1/2002 #	CRIMES; Prostitution; age limit for charging certain prostitution violations; revise. (Sen. T. McCotter)
47	5033		Yes	3/13	3/14	6/1/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of soliciting child to commit an immoral act; enact. (Rep. M. Kowall)
48		880	Yes	3/14	3/14	11/1/2002 #	PUBLIC UTILITIES; Other; fee structures for use of public rights-of-way; provide for. (Sen. J. Schwarz)
49		881	Yes	3/14	3/14	03/14/02	COMMUNICATIONS; Telecommunications; Michigan community communications development authority; create. (Sen. L. Stille)
50		999	Yes	3/14	3/14	3/14/2002 #	PROPERTY TAX; Other; credit for the purchase and installation of certain telecommunications equipment; provide for. (Sen. V. Garcia)

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51	4672		Yes	3/12	3/15	03/15/02	EDUCATION ; Other; model local policy concerning the administration of medications to students at school; provide for. (Rep. J. Hansen)
52		796	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; natural resources trust fund; provide for expanded investment authority. (Sen. G. McManus Jr.)
53		797	Yes	3/12	3/15	*** #	VETERANS ; Trust fund; investment authority; expand. (Sen. V. Garcia)
54		798	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; state parks endowment fund; provide for expanded investment authority. (Sen. C. Dingell)
55		799	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; nongame fish and wildlife trust fund; expand investment authority. (Sen. A. Smith)
56		800	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; game and fish protection trust fund; expand investment authority. (Sen. L. Bennett)
57		801	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; Michigan civilian conservation corps endowment fund; expand investment authority. (Sen. D. Koivisto)
58	5404		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Allen)
59	5405		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of school districts to pay for loans from state; modify. (Rep. M. Bishop)
60	5406		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority for emergency loans for school districts; repeal. (Rep. L. DeVuyst)
61	5407		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Gilbert II)

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62	5408		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Howell)
63	5409		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Koetje)
64	5410		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. M. Middaugh)
65	5414		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. S. Thomas III)
66	5412		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. G. Van Woerkom)
67	5413		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. S. Vear)
68	5416		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. L. Lemmons III)
69	5417		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. A. Lipsey)
70	5418		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Rivet)
71	5419		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the school aid act; modify. (Rep. M. Waters)
72	5420		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of community colleges; modify. (Rep. P. Zelenko)
73	5423		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of community colleges; modify. (Rep. M. Pumford)

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74		592	Yes	3/14	3/15	03/15/02	INSURANCE; Third party administrators; requirement that third party administrators have administrative service manager; eliminate. (Sen. B. Bullard Jr.)
75		692	Yes	3/14	3/15	03/15/02	LAND USE; Farmland and open space; agricultural conservation easement or purchase of development rights; provide that entry into automatically terminates development rights agreement without lien and entitles landowner to tax credit and revise circumstances for relinquishment of farmland from development rights agreement. (Sen. B. Hammerstrom)
76	5119		Yes	3/14	3/15	03/15/02	LIQUOR; Licenses; small distillery license fee; decrease. (Rep. S. Rocca)
77	5585		Yes	3/21	3/21	03/21/02	CIVIL PROCEDURE; Civil actions; interest on judgment on a written instrument evidencing indebtedness that bears an interest rate; revise to make application of recent change prospective and provide mechanism for fixing rate when instrument bears a variable interest rate. (Rep. A. Richner)
78	5205		Yes	3/25	3/25	03/25/02	TRANSPORTATION; Carriers; number of axles allowed on certain designated highways; clarify. (Rep. J. Gilbert II)
79	4859		Yes	3/25	3/25	03/25/02	CORRECTIONS; Employees; record of controlled substance offenses that were subject to dismissal and discharge; allow to be used by department of corrections or law enforcement agencies for specified purposes. (Rep. L. Julian)
80	5434		No	3/25	3/25	**	TRADE; Other; grain dealers act; provide general amendments. (Rep. T. Meyer)
81	4860		Yes	3/25	3/25	03/25/02	NATURAL RESOURCES; Hunting; requirement for lottery to issue wild turkey hunting license; eliminate. (Rep. M. Mortimer)

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82	5026		Yes	3/25	3/26	03/26/02	WEAPONS; Firearms; transportation requirements for certain firearms; clarify. (Rep. S. Vear)
83		884	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general in vocational education acts; eliminate. (Sen. T. McCotter)
84		885	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general in social welfare act; eliminate. (Sen. T. McCotter)
85		886	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general regarding commitment to certain institutions; eliminate. (Sen. T. McCotter)
86		888	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general regarding certain auction duties; eliminate. (Sen. T. McCotter)
87		890	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; act regarding Michigan dairymen's association; repeal. (Sen. T. McCotter)
88		894	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general in the code of criminal procedure; eliminate. (Sen. T. McCotter)
89		895	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general in the prison code; eliminate. (Sen. T. McCotter)
90		690	Yes	3/26	3/26	03/26/02	STATE; Authorities; authority to oversee the operation of certain types of airports including Detroit metropolitan Wayne county airport; create. (Sen. G. Steil)
91	5216		Yes	3/26	3/27	4/9/2002 #	ELECTIONS; Voting equipment; uniform statewide voting system; provide for under certain conditions. (Rep. B. Patterson)
92	5674		No	3/27	3/27	**	COURTS; Circuit court; certain judicial circuits and judicial districts; reform, and allow the office of district judge and probate judge to be combined in certain counties. (Rep. K. Bradstreet)

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93	5732		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; State employees; early retirement for certain state employees; allow under certain circumstances. (Rep. P. DeWeese)
94	5110		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Public school employees; public pension protection and health advance funding; provide for. (Rep. S. Caul)
95	5112		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Judges; public pension protection; provide for. (Rep. A. Lipsey)
96	5113		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; State police; public pension protection; provide for. (Rep. C. Brown)
97	5114		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Legislative; public pension protection; provide for. (Rep. S. Thomas III)
98	5111		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Fire and police; public pension protection; provide for. (Rep. J. Howell)
99	5109		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; State employees; public pension protection; provide for. (Rep. J. Voorhees)
100	5108		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Generally; public pension protection act; enact. (Rep. J. Vander Roest)
101	5125		Yes	3/27	3/27	07/01/02	CRIMES ; Larceny; manufacture, distribution, or possession of a theft detection shielding device or of a tool designed to deactivate or remove a theft detection device; prohibit and provide penalties. (Rep. M. Bishop)
102	5126		Yes	3/27	3/27	7/1/2002 #	CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guidelines for a theft detection device offense; enact. (Rep. M. Bishop)
103		887	Yes	3/27	3/27	03/27/02	LEGISLATURE ; Auditor general; reference to auditor general regarding compensation of injured peace officers; eliminate. (Sen. T. McCotter)
104		889	Yes	3/27	3/27	03/27/02	LEGISLATURE ; Auditor general; reference to auditor general regarding protective committees; eliminate. (Sen. T. McCotter)

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105		892	Yes	3/27	3/27	03/27/02	LEGISLATURE ; Auditor general; reference to auditor general in the insurance code of 1956; eliminate. (Sen. T. McCotter)
106		896	Yes	3/27	3/27	03/27/02	LEGISLATURE ; Auditor general; reference to auditor general in university funds; eliminate. (Sen. T. McCotter)
107	5145		Yes	3/27	3/27	03/27/02	NATURAL RESOURCES ; Other; conservation district annual meeting; allow for change of date. (Rep. D. Mead)
108	4937		Yes	3/27	3/27	03/27/02	NATURAL RESOURCES ; Fishing; minimum age for voluntary all-species fishing license; eliminate. (Rep. S. Tabor)
109		543	Yes	3/27	3/27	07/01/02	LIENS ; Garage keepers; garage keeper's lien act; clarify certain procedures. (Sen. L. Bennett)
110		678	Yes	3/27	3/27	03/27/02	USE TAX ; Collections; motor vehicles held for resale; define price tax base. (Sen. B. Bullard Jr.)
111	5327		Yes	4/1	4/1	04/01/02	EDUCATION ; Curricula; model financial literacy programs; provide for. (Rep. M. Bishop)
112		730	Yes	3/29	4/1	04/22/02	CRIMINAL PROCEDURE ; Search and seizure; search warrant affidavits; revise procedures. (Sen. S. Johnson)
113		930	Yes	3/29	4/1	4/22/2002 #	CRIMES ; Other; certain acts relating to terrorism; prohibit and provide penalties. (Sen. D. DeGrow)
114		936	Yes	3/29	4/1	5/1/2002 #	CRIMINAL PROCEDURE ; Grand jury; certain grand jury information regarding terrorism-related offenses; clarify information sharing procedures. (Sen. B. Bullard Jr.)
115		939	Yes	3/29	4/1	4/22/2002 #	CRIMES ; Other; crime of obtaining certain diagrams or descriptions of vulnerable targets with the intent to commit a terrorist act; create. (Sen. J. Schwarz)

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116		940	Yes	3/29	4/1	4/22/2002 #	CRIMES; Definitions; definition of vulnerable target in explosives chapter of penal code; expand to include stadiums, critical transportation infrastructures, and public services providers. (Sen. W. North)
117		942	Yes	3/29	4/1	4/22/2002 #	CRIMES; Other; use of the internet or other electronic or telecommunication system or device to disrupt critical infrastructures or governmental operations; provide penalties. (Sen. B. Hammerstrom)
118		943	Yes	3/29	4/1	05/01/02	TRANSPORTATION; Carriers; penalties for the transportation of hazardous materials without a hazardous materials endorsement; increase. (Sen. K. Sikkema)
119		948	Yes	3/29	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Statute of limitations; statute of limitations for certain crimes involving terrorism; eliminate. (Sen. M. Goschka)
120		949	Yes	3/29	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Sentencing; restitution to all governmental entities for terrorist activities; require. (Sen. L. Bennett)
121		994	Yes	3/29	4/1	04/01/02	MILITARY AFFAIRS; Other; military leaves and reemployment protection for members of the military who have been called to active service; clarify. (Sen. A. Miller Jr.)
122		995	Yes	3/29	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; certain crimes involving terrorism; include in sentencing guidelines. (Sen. D. Koivisto)
123		996	Yes	3/29	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of certain threats and false reports relating to terrorism; enact. (Sen. D. Byrum)
124		997	Yes	3/29	4/1	4/22/2002 #	CRIMES; Other; terrorism; include as predicate offense for racketeering violation. (Sen. B. Leland)

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125		1005	Yes	3/29	4/1	04/01/02	HEALTH FACILITIES; Hospitals; biohazard detection and handling plan; require each hospital to establish. (Sen. M. Scott)
126	4037		Yes	3/29	4/1	04/22/02	TRAFFIC CONTROL; Driver license; penalties for an individual who reproduces, alters, counterfeits, forges, or duplicates a license photograph; increase. (Rep. J. Faunce)
127	5041		Yes	3/29	4/1	4/22/2002 #	TRAFFIC CONTROL; Driver license; sentencing guidelines for crimes relating to forging driver licenses; enact. (Rep. J. Kooiman)
128	5270		Yes	3/29	4/1	04/22/02	CRIMINAL PROCEDURE; Search and seizure; search warrant affidavits; declare to be nonpublic information. (Rep. S. Caul)
129	5295		Yes	3/29	4/1	04/22/02	CRIMINAL PROCEDURE; Jurisdiction; jurisdiction for prosecution of criminal offense; clarify. (Rep. G. DeRossett)
130	5349		Yes	3/29	4/1	05/01/02	CIVIL RIGHTS; Public records; critical infrastructure; exempt from freedom of information act. (Rep. M. Shulman)
131	5495		Yes	3/29	4/1	4/22/2002 #	CRIMES; Other; certain acts relating to terrorism; prohibit and provide penalties. (Rep. J. Howell)
132	5496		Yes	3/29	4/1	05/01/02	STATE; Planning; Michigan emergency management act; revise powers and duties. (Rep. G. Newell)
133	5501		Yes	3/29	4/1	05/01/02	MILITARY AFFAIRS; Other; procedure for granting immunity to certain military personnel ordered to respond to acts or threats of terrorism, procedure for apprehending individuals, access restrictions to real property used for military purposes, and plans for defense of state; authorize and clarify. (Rep. R. Richardville)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
134	5506		Yes	3/29	4/1	04/22/02	CRIMES ; Other; crime of using, delivering, or possessing an imitation explosive; include possession as violation. (Rep. C. Phillips)
135	5507		Yes	3/29	4/1	04/22/02	CRIMES ; Other; penalties for knowingly placing a harmful substance in food or water supply; increase. (Rep. G. Woronchak)
136	5509		Yes	3/29	4/1	4/22/2002 #	CRIMES ; Money laundering; terrorism; include in definition of “specified criminal offense”. (Rep. N. Quarles)
137		946	Yes	4/1	4/1	4/22/2002 #	CRIMINAL PROCEDURE ; Sentencing guidelines; certain crimes involving terrorism; include in sentencing guidelines. (Sen. W. Van Regenmorter)
138		468	Yes	4/1	4/1	04/01/02	PROPERTY ; Conveyances; certain parcels of state owned property in Genesee, Wayne, and Kalkaska counties; provide for conveyance. (Sen. J. Cherry Jr.)
139		899	Yes	4/1	4/1	04/01/02	LEGISLATURE ; Auditor general; reference to auditor general for federal roads; eliminate. (Sen. T. McCotter)
140	5511		Yes	4/1	4/1	4/22/2002 #	CRIMES ; Definitions; definition of vulnerable target in explosives chapter of penal code; expand to include certain other structures and facilities. (Rep. L. Toy)
141	5512		Yes	4/1	4/1	4/22/2002 #	CRIMINAL PROCEDURE ; Other; compensation to victims and payment of expenses for government response for terrorism-related offenses; provide for. (Rep. G. Jacobs)
142	5513		Yes	4/1	4/1	05/01/02	CRIMINAL PROCEDURE ; Forfeiture; seizure and forfeiture of property used in connection with a terrorism-related offense; provide for. (Rep. C. LaSata)

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+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
143	5520		Yes	4/1	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; certain crimes involving terrorism; include in sentencing guidelines. (Rep. D. Bovin)
144		1105	Yes	4/1	4/1	4/1/2002 +	APPROPRIATIONS; Higher education; higher education; provide for fiscal year 2002-2003. (Sen. J. Schwarz)
145		902	Yes	4/1	4/2	04/02/02	LEGISLATURE; Auditor general; reference to auditor general in hospitals and sanatoria; eliminate. (Sen. T. McCotter)
146	5400		Yes	4/1	4/2	04/02/02	INSURANCE; Life; ability to provide excess loss insurance; provide for. (Rep. L. Julian)
147	5328		Yes	4/1	4/2	04/02/02	PROPERTY; Land contracts; definition of “real estate mortgage”; clarify. (Rep. M. Bishop)
148	5118		Yes	Unsigned	4/5	04/05/02	NATURAL RESOURCES; Gas and oil; slant drilling beneath Great Lakes; prohibit except for existing leases. (Rep. S. Shackleton)
149	5021		Yes	4/8	4/8	07/01/02	TRAFFIC CONTROL; Speed restrictions; penalties for violation of speed limit in construction zone; increase number of points added to driving record. (Rep. J. Allen)
150		811	Yes	4/8	4/8	04/08/02	TRANSPORTATION; Other; use of rights-of-way, structures, welcome centers, and rest stops for commercial intelligent transportation system applications; allow. (Sen. B. Bullard Jr.)
151		812	Yes	4/8	4/8	04/08/02	TRANSPORTATION; Other; use of rights-of-way, structures, welcome centers, and rest stops for commercial intelligent transportation system applications; allow. (Sen. B. Bullard Jr.)
152	5422		Yes	4/8	4/8	04/08/02	LOCAL GOVERNMENT; Bonds; bonding authority of community colleges; modify. (Rep. T. Meyer)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
153		897	Yes	4/8	4/8	04/08/02	LEGISLATURE ; Auditor general; reference to auditor general regarding veterans' trust funds; eliminate. (Sen. T. McCotter)
154		898	Yes	4/8	4/8	04/08/02	LEGISLATURE ; Auditor general; reference to auditor general in state board of equalization; eliminate. (Sen. T. McCotter)
155		900	Yes	4/8	4/8	04/08/02	AGRICULTURE ; Other; act to reimburse for pest eradication; repeal. (Sen. T. McCotter)
156		901	Yes	4/8	4/8	04/08/02	LEGISLATURE ; Auditor general; reference to auditor general for agricultural college lands; eliminate. (Sen. T. McCotter)
157		385	Yes	4/8	4/8	01/01/03	EDUCATION ; Board members; requirements for nomination as a candidate for office of school board; revise. (Sen. K. Sikkema)
158		386	Yes	4/8	4/8	01/01/03	ELECTIONS ; Candidates; requirements for nomination as a candidate for county commissioner; revise. (Sen. T. McCotter)
159		387	Yes	4/8	4/8	01/01/03	LIBRARIES ; District; requirements for nomination as a candidate for district library board; revise. (Sen. B. Hammerstrom)
160		388	Yes	4/8	4/8	01/01/03	LIBRARIES ; Other; requirements for nomination as a candidate for office of library board; revise. (Sen. B. Hammerstrom)
161		1100	Yes	4/8	4/8	04/08/02	APPROPRIATIONS ; Community colleges; community and junior colleges; provide for fiscal year 2002-2003. (Sen. H. Gast)
162		397	Yes	4/8	4/8	04/08/02	STATE ; Symbol; mastodon; establish as state fossil. (Sen. T. McCotter)
163	5335		Yes	4/9	4/9	04/09/02	ELECTIONS ; Ballots; provisions regulating names and designations on ballots; revise and clarify. (Rep. A. Richner)
164		346	Yes	4/10	4/11	04/11/02	TORTS ; Liability; definition of wrongful or negligent act against a pregnant individual; expand to include the death of the embryo or fetus. (Sen. W. Van Regenmorter)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
165		971	Yes	4/10	4/11	04/11/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the property tax act; modify. (Sen. S. Johnson)
166		973	Yes	4/10	4/11	04/11/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the property tax act; modify. (Sen. D. Byrum)
167		903	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to auditor general regarding certain universities; eliminate. (Sen. T. McCotter)
168		904	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general for certain forest roads; eliminate. (Sen. T. McCotter)
169		905	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general regarding certain education funds; eliminate. (Sen. T. McCotter)
170		906	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general in Michigan agricultural college act; eliminate. (Sen. T. McCotter)
171		907	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general in sanatoriums act; eliminate. (Sen. T. McCotter)
172		908	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general in military bonus bonds act; eliminate. (Sen. T. McCotter)
173		909	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general in veterans' military pay act; eliminate. (Sen. T. McCotter)
174		910	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general in Korean veterans' pay act; eliminate. (Sen. T. McCotter)

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175		911	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general in insect and pests act; eliminate. (Sen. T. McCotter)
176		912	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general regarding bonds for certain state officers; eliminate. (Sen. T. McCotter)
177		913	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general in certain state lands; eliminate. (Sen. T. McCotter)
178		915	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general regarding certain school taxes; eliminate. (Sen. T. McCotter)
179		916	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general regarding certain state land; eliminate. (Sen. T. McCotter)
180		918	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general for certain tax payments; eliminate. (Sen. T. McCotter)
181	5415		Yes	4/23	4/23	04/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of the revised school code; modify. (Rep. C. Kolb)
182	5421		Yes	4/23	4/23	04/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of community colleges; modify. (Rep. W. Kuipers)
183	5516		Yes	4/23	4/24	05/01/02	FINANCIAL INSTITUTIONS; Banks; financial institution to seize funds of terrorist organizations; require. (Rep. D. Sheltrown)
184	5517		Yes	4/23	4/24	5/1/02	FINANCIAL INSTITUTIONS; Credit unions; financial institution to seize funds of terrorist organizations; require. (Rep. M. Waters)
185	5518		Yes	4/23	4/24	5/1/02	FINANCIAL INSTITUTIONS; Savings and loan associations; financial institution to seize funds of terrorist organizations; require. (Rep. W. McConico)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
186		829	Yes	4/23	4/24	4/24/02	LOCAL GOVERNMENT; Bonds; bonding authority relating to the management of state funds; modify. (Sen. V. Garcia)
187		830	Yes	4/23	4/24	4/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of the executive organization act of 1965; repeal. (Sen. B. Leland)
188		831	Yes	4/23	4/24	4/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of the department of management and budget; modify. (Sen. V. Garcia)
189		832	Yes	4/23	4/24	4/24/02	LOCAL GOVERNMENT; Bonds; bonding authority for city exhibition areas; modify. (Sen. A. Smith)
190		835	Yes	4/23	4/24	04/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of tax increment finance authorities; modify. (Sen. V. Garcia)
191		1107	Yes	4/25	4/26	04/26/02	APPROPRIATIONS; School aid; school aid; adjust for fiscal year 2001-2002 and provide for fiscal year 2002-2003. (Sen. L. Stille)
192	5763		Yes	4/26	4/26	04/26/02	EMPLOYMENT SECURITY; Benefits; unemployment benefits; increase, revise calculation and payment, and include Indian tribes. (Rep. R. Richardville)
193		966	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for municipal borrowing; modify. (Sen. G. Peters)
194		967	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for borrowing for road purposes; modify. (Sen. V. Garcia)
195		968	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for bonds or notes for capital improvements; modify. (Sen. R. Emerson)
196		969	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of an employee-owned corporation revolving loan fund; repeal. (Sen. D. Byrum)
197		970	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of the property tax act; modify. (Sen. B. Bullard Jr.)

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198		972	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of the property tax act; modify. (Sen. S. Johnson)
199		974	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of county improvement act; modify. (Sen. K. DeBeaussaert)
200		975	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of county and regional parks; modify. (Sen. A. Sanborn)
201		976	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of home rule cities; modify. (Sen. S. Johnson)
202		978	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of blighted area rehabilitation; modify. (Sen. B. Leland)
203		979	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of county zoning act; modify. (Sen. T. McCotter)
204		980	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of township zoning act; modify. (Sen. T. McCotter)
205	5182		Yes	4/26	4/29	04/29/02	OCCUPATIONS; Electricians; installation, maintenance, or servicing of certain lawn irrigation equipment and landscape lighting; exempt from license requirements. (Rep. W. Kuipers)
206	5576		Yes	4/26	4/29	05/01/02	CRIMINAL PROCEDURE; Sentencing guidelines; technical amendments; provide for. (Rep. J. Faunce)
207	5480		Yes	4/26	4/29	04/29/02	FOOD; Other; protection of halal food; provide penalties for consumer fraud. (Rep. G. Woronchak)
208	5525		Yes	4/26	4/29	04/29/02	AGRICULTURE; Weights and measures; voluntary registration of certain persons; provide for and update standards. (Rep. G. Van Woerkom)
209	5136		Yes	4/26	4/29	04/29/02	AGRICULTURE; Plants; destruction of certain crops grown for certain purposes; provide civil damages. (Rep. T. Meyer)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
210		1032	Yes	4/26	4/29	04/29/02	CRIMES; Other; provision relating to taunting of an individual as having been a convict or an inmate in a correctional facility or jail; repeal. (Sen. T. McCotter)
211		1027	Yes	4/26	4/29	04/29/02	ADVERTISING; Other; provision relating to sale and distribution of publications reporting certain criminal activity; repeal. (Sen. T. McCotter)
212	5102		Yes	4/26	4/29	04/29/02	CORRECTIONS; Other; short title for department of corrections act; provide for. (Rep. J. Faunce)
213	5623		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Tabor)
214	5625		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. G. DeRossett)
215	5626		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Ehardt)
216	5627		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. D. Mead)
217	5628		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Hummel)
218	5629		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. M. Murphy)
219	5630		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. W. McConico)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
220	5631		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. M. Waters)
221	5632		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. D. Hale)
222	5633		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Pestka)
223		842	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; Michigan tax lien sale and collateralized securities act; repeal. (Sen. B. Hammerstrom)
224		843	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority under the revised judiciary act; modify. (Sen. W. Van Regenmorter)
225		844	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of federal facility development act, the federal data facility act, and corresponding income tax credit; repeal. (Sen. J. Schwarz)
226		845	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of townships; modify. (Sen. W. Van Regenmorter)
227		847	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for township water supply and sewage disposal services and facilities; modify. (Sen. B. Bullard Jr.)
228		849	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for township parks and places of recreation; modify. (Sen. B. Bullard Jr.)
229		850	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for public improvements; modify. (Sen. S. Johnson)

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230		851	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of charter townships; modify. (Sen. T. McCotter)
231		855	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of fourth class cities; modify. (Sen. W. North)
232		857	Yes	27-Apr	29-Apr	4/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of a community swimming pool authority; modify. (Sen. W. Van Regenmorter)
233		858	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of recreational authorities; modify. (Sen. S. Johnson)
234		860	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of downtown development authorities; modify. (Sen. B. Bullard Jr.)
235		861	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority under local development financing act; modify. (Sen. D. Shugars)
236		862	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority under resort district rehabilitation act; modify. (Sen. B. Hammerstrom)
237		864	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for state convention facility development; modify. (Sen. M. Scott)
238		865	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of county departments of solid waste management; modify. (Sen. G. Peters)
239		866	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for garbage disposal plants; modify. (Sen. J. Young Jr.)

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240		867	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for city and village garbage disposal; modify. (Sen. J. Young Jr.)
241		868	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of municipal sewage and water supply systems; modify. (Sen. K. DeBeaussaert)
242		869	Yes	4/27	4/29	4/29/02	LOCAL GOVERNMENT; Bonds; bonding authority under land reclamation and improvement authority act; modify. (Sen. M. Dunaskiss)
243		1166	Yes	4/30	4/30	4/30/02	PROPERTY TAX; State education tax; summer levy; require. (Sen. H. Gast)
244		1165	Yes	4/30	4/30	4/30/02	PROPERTY TAX; Millage; 1-time collection of a summer tax levy; provide for and amend title. (Sen. J. Schwarz)
245	5298		Yes	4/30	4/30	5/1/02	CRIMINAL PROCEDURE; Mental capacity; "guilty but mentally ill" provisions; revise to conform with insanity statute. (Rep. J. Koetje)
246	5411		Yes	4/30	4/30	5/1/02	LOCAL GOVERNMENT; Bonds; bonding authority of the revised school code; modify. (Rep. M. Mortimer)
247		1007	Yes	4/30	4/30	5/1/02	FINANCIAL INSTITUTIONS; Savings banks; financial institution to seize funds of terrorist organizations and report to attorney general; require. (Sen. G. Peters)
248	5624		Yes	4/30	4/30	04/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. L. Julian)
249	5634		Yes	4/30	4/30	04/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. I. Clark)
250		839	Yes	5/1	5/1	05/01/02	LOCAL GOVERNMENT; Bonds; bonding authority of uniform budgeting and accounting act; modify. (Sen. H. Gast)

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251		882	Yes	5/1	5/1	05/01/02	INSURANCE; No-fault; automobile insurance placement facility to provide for premium surcharges for various infractions; allow. (Sen. A. Sanborn)
252		1026	Yes	5/1	5/1	05/01/02	TRANSPORTATION; Carriers; requirement for vehicles transporting gasoline, benzine, or naphtha to be painted red; eliminate. (Sen. T. McCotter)
253		1057	Yes	5/1	5/1	05/01/02	HIGHWAYS; Construction and repair; widening and altering of state trunk line highways with approval of state administrative board; repeal certain section. (Sen. T. McCotter)
254	5472		Yes	5/1	5/1	05/01/02	ECONOMIC DEVELOPMENT; Brownfield redevelopment authority; specific taxes; include neighborhood enterprise zone act. (Rep. J. Allen)
255	4507		Yes	5/1	5/1	05/01/02	SALES TAX; Exemptions; exemption from paying sales tax on certain items; clarify procedure. (Rep. L. DeVuyst)
256		837	Yes	5/1	5/1	05/01/02	LOCAL GOVERNMENT; Bonds; bonding authority of local governmental units to accept financial transaction device payments; modify. (Sen. R. Emerson)
257		838	Yes	5/1	5/1	05/01/02	LOCAL GOVERNMENT; Bonds; bonding authority of local units authorizing and regulating credit card transactions; modify. (Sen. V. Garcia)
258		1006	Yes	5/1	5/1	*** #	AERONAUTICS; Other; criminal background checks on applicants for flight schools; require and provide for refusal to enroll under certain circumstances. (Sen. G. Hart)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
259	5504		Yes	5/1	5/1	05/01/02	TRAFFIC CONTROL; Driver license; criminal background checks on applicants for commercial driver license; require. (Rep. R. Brown)
260		1034	Yes	5/1	5/1	05/01/02	CRIMES; Other; criminal provision relating to inciting an individual to violate a peace treaty with an Indian native or tribe; repeal. (Sen. T. McCotter)
261		1035	Yes	5/1	5/1	5/1/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of inciting an individual to violate a peace treaty with an Indian native or tribe; eliminate. (Sen. T. McCotter)
262		1037	Yes	5/1	5/1	05/01/02	CRIMES; Other; criminal provision relating to the use of bells on cutters and sleighs; repeal. (Sen. D. Koivisto)
263	5152		Yes	5/1	5/1	05/01/02	FINANCIAL INSTITUTIONS; Savings banks; conversion of a chartered savings bank to a mutual holding company; provide for. (Rep. A. Sanborn)
264	4848		Yes	5/8	5/9	05/09/02	LAW ENFORCEMENT; Other; provision regarding the appointment of unqualified undersheriff or deputy sheriff; repeal. (Rep. T. Stamas)
265	5151		Yes	5/8	5/9	01/01/03	CIVIL PROCEDURE; Civil actions; limitation on appeal bond; establish. (Rep. A. Richner)
266	5440		Yes	5/8	5/9	7/15/2002 #	CRIMES; Assaultive; assaulting, resisting, or obstructing an officer causing bodily injury, serious impairment of a body function, or death; prohibit and establish penalties. (Rep. J. Faunce)
267	5211		Yes	5/8	5/9	05/09/02	PROPERTY TAX; Personal property; electronic filing of personal property statement; allow. (Rep. S. Vear)

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- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
268		982	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of community swimming pool authority; modify. (Sen. B. Leland)
269	5441		Yes	5/8	5/9	7/15/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crimes of assaulting, resisting, or obstructing an officer seriously injuring or causing injury, serious impairment, or death; provide for. (Rep. L. Julian)
270	5442		Yes	5/8	5/9	5/9/2002 #	CRIMES; Assaultive; penalties for assaulting, beating, wounding, obstructing, or endangering an officer other than a peace officer; establish. (Rep. J. Kooiman)
271	5443		Yes	5/8	5/9	5/9/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of assaulting, beating, wounding, obstructing, or endangering officers other than peace officers; provide for. (Rep. R. Basham)
272	5601		Yes	5/8	5/9	7/15/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of obstructing firefighter; eliminate. (Rep. M. Kowall)
273		846	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of pavements, sidewalks, and elevated structures; modify. (Sen. J. Young Jr.)
274		848	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of township and village public improvements and public services; modify. (Sen. K. DeBeaussaert)
275		852	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of county boards of commissioners; modify. (Sen. A. Smith)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
276		853	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of general law village act; modify. (Sen. W. North)
277		854	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of home rule village act; modify. (Sen. K. DeBeaussaert)
278		1045	Yes	5/8	5/9	5/9/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of embezzlement of railroad passenger tickets; eliminate. (Sen. C. Dingell)
279		1047	Yes	5/8	5/9	5/9/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of larceny of railroad tickets; eliminate. (Sen. C. Dingell)
280	5568		Yes	5/8	5/9	05/09/02	ECONOMIC DEVELOPMENT; Plant rehabilitation; provision to include electric generating plants; extend sunset. (Rep. N. Cassis)
281	5755		Yes	5/8	5/9	05/09/02	HIGHWAYS; Bridges; provision relating to construction of interstate bridge between Michigan and Wisconsin; repeal. (Rep. B. Patterson)
282	5752		Yes	5/8	5/9	05/09/02	VEHICLES; Equipment; provisions relating to requirement for certain equipment for certain vehicles weighing in excess of 10,000 pounds; repeal. (Rep. B. Patterson)
283	5486		Yes	5/8	5/9	05/09/02	HOUSING; Condominium; multiple amendments of the condominium act; provide for. (Rep. M. Bishop)
284		981	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of city and village zoning act; modify. (Sen. T. McCotter)
285		983	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority for neighborhood area improvements; modify. (Sen. A. Smith)

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286		984	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT ; Bonds; bonding authority for permanent improvements by counties; modify. (Sen. W. North)
287		985	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT ; Bonds; bonding authority of local improvement revolving fund; modify. (Sen. A. Smith)
288		986	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT ; Bonds; bonding authority for purchase of fire fighting equipment; modify. (Sen. A. Miller Jr.)
289		988	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT ; Bonds; bonding authority of safe drinking water financial assistance act; modify. (Sen. A. Sanborn)
290		1038	Yes	5/8	5/9	05/09/02	CRIMES ; Robbery; statute relating to entering a train for robbery by means of intimidation; repeal. (Sen. C. Dingell)
291		1039	Yes	5/8	5/9	5/902	CRIMES ; Other; statute relating to forcible detention of a railroad train; repeal. (Sen. C. Dingell)
292		1040	Yes	5/8	5/9	05/09/02	CRIMES ; Robbery; statute relating to seizing a locomotive with mail or express car attached; repeal. (Sen. C. Dingell)
293		1042	Yes	5/8	5/9	05/09/02	CRIMES ; Fraud; criminal provision relating to the issuance of stocks, bonds, or corporate obligations in railroad companies; repeal. (Sen. C. Dingell)
294		1044	Yes	5/8	5/9	05/09/02	CRIMES ; Embezzlement; criminal provision relating to embezzlement of railroad passenger tickets; repeal. (Sen. C. Dingell)
295		1046	Yes	5/8	5/9	05/09/02	CRIMES ; Larceny; statute prohibiting larceny of railroad passenger ticket; repeal. (Sen. C. Dingell)
296		1048	Yes	5/8	5/9	05/09/02	CRIMES ; Counterfeiting; statute prohibiting forgery of railroad tickets; repeal. (Sen. C. Dingell)

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297		1059	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of industrial development revenue bond act of 1963; modify. (Sen. J. Emmons)
298		1060	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of city and village water supply; repeal. (Sen. B. Bullard Jr.)
299		1061	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority for public markets; repeal. (Sen. B. Leland)
300		1063	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of the Michigan municipal distributable aid bond act; modify. (Sen. J. Emmons)
301		1065	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority for community airports; modify. (Sen. B. Leland)
302		1066	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of Michigan export development act; modify. (Sen. B. Leland)
303	4057		Yes	5/10	5/10	05/10/02	HEALTH FACILITIES; Nursing homes; quality assurance assessment fee, prohibiting employment by certain health facilities of individuals with certain criminal history, and reporting of certain employer disciplinary action; provide for in certain cases. (Rep. P. Birkholz)
304		748	Yes	5/10	5/10	05/10/02	INSURANCE; Health; health maintenance organization deductibles, quality assurance assessment fee, and medicare supplement policy changes; provide for. (Sen. B. Hammerstrom)
305		685	Yes	5/11	5/13	05/13/02	HIGHWAYS; Name; portion of I-94 in Battle Creek; designate as the “94th Combat Infantry Division Memorial Highway.” (Sen. T. McCotter)
306		856	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT; Bonds; bonding authority of building authorities; modify. (Sen. J. Young Jr.)

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307		1068	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority of veterans' memorials on city lands; repeal. (Sen. J. Schwarz)
308		1069	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for police and fire protection; modify. (Sen. W. Van Regenmorter)
309		1070	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for county fairs and exhibitions; repeal. (Sen. J. Emmons)
310		1071	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for water supply and municipal lighting; repeal. (Sen. B. Bullard Jr.)
311		1072	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for village courthouse or jail; repeal. (Sen. A. Sanborn)
312		1075	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for joint public buildings; modify. (Sen. D. Shugars)
313		1081	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for sewerage disposal plants; repeal. (Sen. K. Sikkema)
314		1083	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for waterfront improvements; repeal. (Sen. B. Bullard Jr.)
315	4799		Yes	5/14	5/14	05/14/02	CITIES ; Home rule; funding for separation of storm water drainage and sanitary sewers on private property; provide for. (Rep. T. Stamas)
316		451	Yes	5/17	5/17	10/01/02	INSURANCE ; Health; timely payment of health care benefits; provide for and establish penalties for noncompliance. (Sen. B. Schuette)
317		452	Yes	5/17	5/17	10/1/2002 #	INSURANCE ; Health care corporations; timely payment of health care benefits; provide for and establish penalties for noncompliance. (Sen. B. Schuette)

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318		934	Yes	5/22	5/22	5/22/2002 #	AERONAUTICS ; Other; criminal background checks on applicants for flight schools; require. (Sen. J. Gougeon)
319	5138		Yes	5/23	5/23	05/23/02	STATE ; Symbol; historical society; designate as the official historical society of Michigan. (Rep. T. George)
320		1043	Yes	5/23	5/23	7/15/2002 #	CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guidelines for crime of issuing stocks, bonds, or corporate obligations in railroad companies; eliminate. (Sen. C. Dingell)
321		1049	Yes	5/23	5/23	7/15/2002 #	CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guidelines for crimes of obstructing a firefighter and forging railroad tickets; eliminate. (Sen. C. Dingell)
322		1019	Yes	5/23	5/23	05/23/02	AGRICULTURE ; Other; rule-making authority regarding started pullets; repeal. (Sen. T. McCotter)
323		1025	Yes	5/23	5/23	05/23/02	FINANCIAL INSTITUTIONS ; Banks; provisions relating to the marking of ÓfakeÓ bank bills; repeal. (Sen. T. McCotter)
324	5547		Yes	5/23	5/23	05/23/02	LAW ENFORCEMENT ; State police; provision prohibiting employees of the Michigan state police from participating in political campaigns; repeal. (Rep. S. Hummel)
325	4603		Yes	5/23	5/23	05/23/02	CEMETERIES AND FUNERALS ; Burial; prepaid funeral contracts; increase cap. (Rep. S. Ehardt)
326	5822		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of base conversion authority act; modify. (Rep. B. Palmer)
327	5823		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. C. Bisbee)

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328	5836		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of metropolitan transportation authorities act of 1967; modify. (Rep. J. Scranton)
329	5839		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of the state trunk line highway system; modify. (Rep. G. Newell)
330	5840		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority to borrow from the motor vehicle highway fund; modify. (Rep. M. Shulman)
331	5844		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for limited access highways; modify. (Rep. R. Jamnick)
332	5855		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for township and village libraries; modify. (Rep. B. Vander Veen)
333	5845		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for grade separation bonds; modify. (Rep. K. Stallworth)
334	5821		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of the revised school code; modify. (Rep. R. Jelinek)
335	5837		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of public transportation authority; modify. (Rep. L. Julian)
336	5838		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for highways within townships; modify. (Rep. D. Hart)
337	5841		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for mass transportation system authorities; modify. (Rep. J. Hansen)
338	5842		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for public buildings and bridges; modify. (Rep. J. Pappageorge)
339	5843		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Financing; certain references to the municipal finance act; revise. (Rep. A. Richner)

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340	5846		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for bridge construction and maintenance; repeal. (Rep. K. Daniels)
341	5847		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for interstate bridge near navigable stream; repeal. (Rep. D. Sheltrown)
342	5848		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of aeronautics code; modify. (Rep. D. Bovin)
343	5849		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of the community mental health authority; modify. (Rep. S. Caul)
344	5851		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for public library bonds; repeal. (Rep. P. Birkholz)
345	5852		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of district library financing act; modify. (Rep. L. Hager)
346	5854		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for libraries under boards of education; modify. (Rep. J. Stewart)
347	5707		Yes	5/23	5/23	05/23/02	LEGISLATURE; Auditor general; reference to auditor general in Michigan estate tax act; eliminate. (Rep. B. Patterson)
348	5708		Yes	5/23	5/23	05/23/02	LEGISLATURE; Auditor general; reference to auditor general in collection of specific taxes; eliminate. (Rep. B. Patterson)
349	5709		Yes	5/23	5/23	05/23/02	LEGISLATURE; Auditor general; reference to auditor general in certain drain taxes or highway assessments; eliminate. (Rep. B. Patterson)
350	5710		Yes	5/23	5/23	05/23/02	LEGISLATURE; Auditor general; reference to auditor general in certain bonds and obligations; eliminate. (Rep. B. Patterson)

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351	5711		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in highway statute; eliminate. (Rep. B. Patterson)
352	5712		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in aeronautics statute; eliminate. (Rep. B. Patterson)
353	5713		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in drain code; eliminate. (Rep. L. Julian)
354	5714		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; agricultural fair commission act; repeal. (Rep. L. Julian)
355	5717		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in railroad land statute; eliminate. (Rep. A. Lipsey)
356	5718		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in natural resources and environmental protection act; eliminate. (Rep. A. Lipsey)
357		1077	Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of economic development corporation act; modify. (Sen. D. Shugars)
358		1084	Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of Michigan energy employment act of 1976; modify. (Sen. K. Sikkema)
359		639	Yes	5/23	5/23	05/23/02	INSURANCE ; Insurers; priority of claims distribution; modify. (Sen. B. Bullard Jr.)
360	4655		No	5/23	5/23	**	HEALTH ; Funding; priority of funding for family planning programs and services; revise procedure used by department of community health. (Rep. M. Jansen)
361	5220		Yes	5/23	5/23	05/23/02	HIGHWAYS ; Name; renaming a certain portion of business route 196; designate as "Cesar E. Chavez Way." (Rep. J. Voorhees)

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362	5611		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general regarding certain state officers; eliminate. (Rep. B. Patterson)
363	5612		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in compensation of constitutional convention delegates; eliminate. (Rep. B. Patterson)
364	5613		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general regarding impeachments; eliminate. (Rep. B. Patterson)
365	5615		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general in a statute regarding deposit of bonds for certain state officers; eliminate. (Rep. B. Patterson)
366	5398		Yes	5/24	5/24	09/01/02	CRIMINAL PROCEDURE ; Defenses; defense of the voluntary consumption or ingestion of alcohol or controlled substance in all criminal cases; bar. (Rep. R. Johnson)
367	5662		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general in act regarding department of treasury collections; eliminate. (Rep. B. Patterson)
368	5663		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general; eliminate. (Rep. B. Patterson)
369	5664		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general on state administrative board; eliminate. (Rep. W. Kuipers)
370	5665		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general in uniform system of accounting; eliminate. (Rep. W. Kuipers)

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371	5666		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in claims to the state police; eliminate. (Rep. L. Julian)
372	5667		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in state employees' retirement act; eliminate. (Rep. L. Julian)
373	5668		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in assessment on certain improvements; eliminate. (Rep. B. Patterson)
374	5669		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in audit of county sheriffs; eliminate. (Rep. B. Patterson)
375	5670		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in home rule village act; eliminate. (Rep. G. Jacobs)
376	5671		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in fourth class city act; eliminate. (Rep. G. Jacobs)
377	5672		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in disconnection of land from cities or villages; eliminate. (Rep. A. Lipsey)
378	5673		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general receiving notice of vacancy in public offices; eliminate. (Rep. A. Lipsey)
379	5614		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in act regarding employment of clerks and assistants to the governor; eliminate. (Rep. B. Patterson)
380		1168	Yes	5/24	5/24	05/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of the Vietnam veteran era bonus act; modify. (Sen. J. Schwarz)

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381		1171	Yes	5/24	5/24	05/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of the Michigan family farm development authority; modify. (Sen. A. Smith)
382		1177	Yes	5/24	5/24	05/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of state building authority act; modify. (Sen. B. Bullard Jr.)
383		1179	Yes	5/28	5/28	05/28/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters)
384	5661		Yes	5/29	5/30	05/30/02	LEGISLATURE; Auditor general; reference to auditor general for certain expenses; eliminate. (Rep. B. Patterson)
385		1169	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of state housing development authority; modify. (Sen. A. Smith)
386		1178	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Financing; certain references to the municipal finance act; revise. (Sen. B. Bullard Jr.)
387		1180	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters)
388		1181	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters)
389		1182	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters)
390		776	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Other; consumer financial services act; amend to prohibit individuals who committed fraud from being licensed. (Sen. G. Steil)

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+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
391		777	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Generally; mortgage brokers, lenders, and servicers licensing act; provide for amendments. (Sen. G. Steil)
392		778	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Generally; secondary mortgage act; provide for amendments. (Sen. G. Steil)
393		779	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Generally; regulatory loan act; provide for amendments. (Sen. G. Steil)
394		780	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Checks and drafts; sale of checks act; provide for amendments. (Sen. G. Steil)
395	5850		Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of municipal health facilities corporations; modify. (Rep. C. LaSata)
396	4625		Yes	5/29	5/30	5/30/2002 #	ENVIRONMENTAL PROTECTION; Funding; general obligation bonds; authorize to finance sewage treatment works projects, storm water projects, and nonpoint source projects that improve the quality of the waters of the state. (Rep. B. Patterson)
397	5892		Yes	5/29	5/30	*** #	ENVIRONMENTAL PROTECTION; Funding; general obligation bonds; provide for issuance to finance sewage treatment works projects, stormwater projects, and nonpoint source projects, that improve the quality of the waters of the state. (Rep. T. Meyer)
398	5893		Yes	5/29	5/30	*** #	ENVIRONMENTAL PROTECTION; Funding; state water pollution control revolving fund; modify criteria for expenditures. (Rep. D. Mead)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
399	5237		Yes	5/29	5/30	05/30/02	ELECTIONS; Political parties; ballot access; revise requirements for. (Rep. L. Drolet)
400	5454		Yes	5/29	5/30	05/30/02	TORTS; Liability; governmental liability for negligence; add volunteers to certain provisions. (Rep. M. Bishop)
401		1096	Yes	6/3	6/3	06/03/02	DISABILITIES; Travel aids used by blind persons; include walkers. (Sen. B. Hammerstrom)
402		517	Yes	6/3	6/3	06/03/02	OCCUPATIONS; Physicians; referral of patients to facilities in which a physician has a financial interest; allow under certain circumstances. (Sen. B. Hammerstrom)
403		834	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority to pool investments; modify. (Sen. B. Bullard Jr.)
404		840	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the state revenue sharing act; modify. (Sen. R. Emerson)
405		863	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the emergency municipal loan act; modify. (Sen. A. Miller Jr.)
406		870	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the drain code of 1956; modify. (Sen. G. McManus Jr.)
407		977	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the county department and board of public works; modify. (Sen. K. DeBeaussaert)
408		1064	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the local government fiscal responsibility act; modify. (Sen. A. Sanborn)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
409		1067	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of cities and villages owning public utilities; modify. (Sen. M. Scott)
410		1073	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of metropolitan district act; modify. (Sen. A. Smith)
411		1076	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of metropolitan council act; modify. (Sen. D. Shugars)
412		1078	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of port authorities; modify. (Sen. K. Sikkema)
413		1079	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of brownfield redevelopment financing act; modify. (Sen. K. Sikkema)
414		1080	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of low-level radioactive waste authorities; modify. (Sen. G. Peters)
415		1082	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority for joint water and sewage disposal; modify. (Sen. K. Sikkema)
416		1167	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority related to state indebtedness; modify. (Sen. G. Peters)
417	5899		Yes	6/5	6/5	06/05/02	VEHICLES; Registration; definition of “wood harvesting” for purposes of transportation; revise to include raw materials produced in the woods or as produced at the harvest site. (Rep. S. Shackleton)
418		989	Yes	6/5	6/5	06/05/02	ENVIRONMENTAL PROTECTION; Toxic substances; pesticide control act; provide general amendments. (Sen. G. McManus Jr.)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
419		627	Yes	6/5	6/5	06/05/02	CONSTRUCTION; Equipment; technical amendments; provide for. (Sen. B. Hammerstrom)
420	5475		Yes	6/5	6/5	06/05/02	TRANSPORTATION; Railroads; maintenance of railroad grades; require written permission from both railroad and road authority to commence work and regulate the charge of certain fees. (Rep. J. Gilbert II)
421	5521		No	6/5	6/5	**	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for violations of the grain dealers act; provide for. (Rep. T. Meyer)
422		645	Yes	6/5	6/5	10/01/02	TRAFFIC CONTROL; Driver license; person making false bomb threat; include penalty prohibiting eligibility to obtain driver license until 21 years of age. (Sen. V. Garcia)
423		1009	Yes	6/5	6/5	06/05/02	OCCUPATIONS; Dental hygienists; education requirements for the administration of local anesthesia and nitrous oxide analgesia; clarify. (Sen. D. Shugars)
424	4217		Yes	6/5	6/5	06/05/02	HOUSING; Landlord and tenants; housing-with-services contract act; create. (Rep. J. Scranton)
425	5750		Yes	6/5	6/5	06/05/02	AGRICULTURE; Other; motor fuels quality act; remove certain rule-making authority of the department of agriculture. (Rep. B. Patterson)
426		1056	Yes	6/5	6/5	06/05/02	HIGHWAYS; Bridges; provision relating to construction of interstate bridge between Michigan and Wisconsin; repeal. (Sen. T. McCotter)
427	5107		Yes	6/5	6/5	06/05/02	WORKER'S COMPENSATION; Disabilities; members of a volunteer underwater diving team; include. (Rep. J. Vander Roest)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
428		891	Yes	6/5	6/5	06/05/02	LEGISLATURE; Auditor general; reference to auditor general regarding brine pipeline companies; eliminate. (Sen. T. McCotter)
429		893	Yes	6/5	6/5	06/05/02	LEGISLATURE; Auditor general; reference to auditor general in the revised judicature act of 1961; eliminate. (Sen. T. McCotter)
430		917	Yes	6/5	6/5	06/05/02	LEGISLATURE; Auditor general; reference to duties of the auditor general regarding certain purchases of state land; eliminate. (Sen. T. McCotter)
431	5466		Yes	6/6	6/6	06/06/02	ELECTIONS; Petitions; post office box on petitions; change to zip code and eliminate time deadlines for local ballot questions for year 2002. (Rep. A. Richner)
432	6114		Yes	6/6	6/6	06/06/02	CITIES; Boards and commissions; members of the Detroit city council; revise, subject to a vote, and establish redistricting commission. (Rep. K. Daniels)
433		422	Yes	6/10	6/10	06/10/02	BUSINESSES; Business corporations; certain provisions dealing with foreign corporations, winding up operations, and dissolution for insolvency; repeal. (Sen. B. Bullard Jr.)
434	5556		Yes	6/10	6/10	06/10/02	NATURAL RESOURCES; Fishing; miles of designated trout streams; authorize department to increase and allow children to take 1 fish. (Rep. J. Allen)
435		1172	Yes	6/10	6/10	06/10/02	LOCAL GOVERNMENT; Bonds; bonding authority of the hospital authority; modify. (Sen. G. Peters)
436		1173	Yes	6/10	6/10	06/10/02	LOCAL GOVERNMENT; Bonds; bonding authority of the hospital finance authority act; modify. (Sen. G. Peters)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
437	4874		Yes	6/10	6/11	08/01/02	CIVIL RIGHTS; Privacy; disclosure of certain information regarding students of local or intermediate school districts or public school academies; exempt from freedom of information act. (Rep. T. Stamas)
438		738	Yes	6/10	6/11	06/11/02	BUSINESSES; Business corporations; rights of foreign corporations to maintain civil actions in this state; amend. (Sen. B. Bullard Jr.)
439		112	Yes	6/12	6/13	06/13/02	LOCAL GOVERNMENT; Other; reference to “Dominion of Canada” and definition of “agency of the United States government”; revise in urban cooperation act. (Sen. B. Schuette)
440		540	Yes	6/12	6/13	06/13/02	PROPERTY; Conveyances; certain state owned land in Macomb county; convey subject to certain restrictions. (Sen. J. Gougeon)
441	4994		Yes	6/12	6/13	06/13/02	HEALTH; Occupations; procedure for issuance of health professional license for certain individuals with health professional license issued in other state or any province of Canada; provide for. (Rep. A. Hardman)
442		1278	Yes	6/14	6/14	***	SINGLE BUSINESS TAX; Other; technical amendments for foreign persons; enact. (Sen. B. Bullard Jr.)
443		1204	Yes	6/17	6/17	06/17/02	TAXATION; Other; state tax on low grade iron ore; reduce and modify. (Sen. D. Koivisto)
444		841	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT; Bonds; bonding authority of fiscal stabilization act; modify. (Sen. B. Bullard Jr.)
445		859	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT; Bonds; bonding authority of urban cooperation act; modify. (Sen. S. Johnson)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
446		987	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT ; Bonds; bonding authority of charter water authorities; modify. (Sen. J. Young Jr.)
447		1074	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT ; Bonds; bonding authority of port districts; modify. (Sen. B. Bullard Jr.)
448		1269	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the state trunk line highway system; modify. (Sen. J. Emmons)
449		1300	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT ; Bonds; state loans to school districts; modify. (Sen. J. Emmons)
450		1313	Yes	6/17	6/17	06/17/02	EDUCATION ; Financing; definition of interest on qualified bonds for purposes of school bond loan fund; modify. (Sen. J. Emmons)
451		1265	Yes	6/21	6/21	06/21/02	LOCAL GOVERNMENT ; Bonds; state trunk line system; modify. (Sen. J. Emmons)
452		1248	Yes	6/21	6/21	6/21/2002 #	SALES TAX ; Exemptions; mobile sourcing; provide for technical amendment. (Sen. J. Emmons)
453		1124	Yes	6/21	6/21	06/21/02	VEHICLES ; Other; certain motor home requirements; revise. (Sen. W. North)
454		415	Yes	6/21	6/21	06/21/02	NATURAL RESOURCES ; Rivers and streams; Michigan heritage water trail program; develop. (Sen. P. Hoffman)
455		477	Yes	6/21	6/21	6/21/2002 #	USE TAX ; Collections; certain aggregated taxable and nontaxable telephone, telegraph, or leased wire communications; allow for department to tax only taxable communications if provider can identify and separate on its books. (Sen. V. Garcia)

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456		824	Yes	6/21	6/21	6/21/2002 #	USE TAX; Collections; tax on mobile telecommunications; provide for sourcing. (Sen. J. Emmons)
457	5992		Yes	6/21	6/21	06/21/02	SALES TAX; Other; sales tax license fee; eliminate. (Rep. G. DeRossett)
458	5832		Yes	6/21	6/21	06/21/02	AGRICULTURE; Animals; revisions to livestock inspection and zoning procedures; provide for. (Rep. M. Pumford)
459	5778		Yes	6/21	6/21	06/21/02	OCCUPATIONS; Individual licensing and regulation; procedures for fingerprinting Michigan state bar licensing applicants; require to comply with federal mandates. (Rep. J. Faunce)
460	6043		Yes	6/21	6/21	06/21/02	ECONOMIC DEVELOPMENT; Downtown development authorities; exemption for village of Millington from certain filing requirements; provide for. (Rep. T. Meyer)
461	5758		Yes	6/21	6/21	06/21/02	WATER; Quality; arsenic testing program; extend sunset. (Rep. R. Johnson)
462	5927		Yes	6/21	6/21	06/21/02	INSURANCE; Insurers; qualified investment provisions; revise. (Rep. A. Richner)
463		928	Yes	6/21	6/21	06/21/02	LAW ENFORCEMENT; Fingerprinting; fee increases for fingerprint processing; provide for. (Sen. P. Hoffman)
464	5361		Yes	6/21	6/21	06/21/02	TRADE; Vehicles; periodic inspection requirements of body shops; eliminate. (Rep. D. Woodward)
465		965	Yes	6/21	6/21	06/21/02	LOCAL GOVERNMENT; Bonds; revenue bonding act bonding authority; modify. (Sen. J. Emmons)
466		1267	Yes	6/21	6/21	06/21/02	LOCAL GOVERNMENT; Bonds; bonding authority of the state trunk line highway system; modify. (Sen. J. Emmons)
467		1301	Yes	6/21	6/21	06/21/02	LOCAL GOVERNMENT; Bonds; bonding authority for state trunk line highway system; modify. (Sen. J. Emmons)

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468		217	Yes	6/21	6/21	06/21/02	OCCUPATIONS; Service occupations; appliance service dealers; define, provide for certain disclosures, and provide for remedies. (Sen. B. Bullard Jr.)
469		116	Yes	6/21	6/21	06/21/02	OCCUPATIONS; Pawnbrokers; regulation of pawnbrokers; revise to include other governmental units. (Sen. B. Schuette)
470		1201	Yes	6/21	6/21	06/21/02	STATE; Authorities; reporting of securities issued by state agencies; provide for. (Sen. B. Bullard Jr.)
471		1230	Yes	6/21	6/21	06/21/02	GAMING; Lottery; percentage of lottery payout; extend sunset provision. (Sen. J. Schwarz)
472		927	Yes	6/21	6/21	10/01/02	CRIMINAL PROCEDURE; Appeals; fee for application to set aside conviction; increase. (Sen. P. Hoffman)
473		425	Yes	6/21	6/21	10/01/02	OCCUPATIONS; Security guards; transfer of certain functions to department of consumer and industry services; provide for and revise certain fees. (Sen. P. Hoffman)
474		929	Yes	6/21	6/21	10/01/02	OCCUPATIONS; Private detectives; transfer of certain functions to the department of consumer and industry services and revision of fees for private detective licensure; provide for. (Sen. P. Hoffman)
475		992	Yes	6/21	6/21	10/1/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of conducting business as private detective or private investigator without license; amend to reflect increased penalties. (Sen. P. Hoffman)
476	4462		Yes	6/27	6/27	06/27/02	SCHOOL AID; Penalties; certain days and hours when instruction not provided due to train derailment; allow to be counted as days and hours of instruction for 2001-2002. (Rep. T. Meyer)

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477	5805		Yes	6/27	6/27	***	ECONOMIC DEVELOPMENT; Renaissance zones; requirement for local unit of government to apply to the board when extending the time to a sub-renaissance zone; provide for. (Rep. J. Allen)
478	5806		Yes	6/27	6/27	06/27/02	ECONOMIC DEVELOPMENT; Renaissance zones; application and approval procedures for renaissance zone status; clarify. (Rep. J. Rivet)
479	5587		Yes	6/27	6/27	06/27/02	PROPERTY TAX; Payment and collection; collection procedures for delinquent taxes levied on certain buildings and improvements located on certain leased real property; revise. (Rep. N. Cassis)
480	5991		Yes	6/27	6/27	6/27/2002 #	COMMERCIAL CODE; Secured transactions; reference to special tools lien act; provide for in the uniform commercial code. (Rep. C. LaSata)
481	5993		Yes	6/27	6/27	06/27/02	LIENS; Generally; nonpossessory lien of certain special tools ; create. (Rep. A. Richner)
482		920	Yes	6/27	6/27	06/27/02	PROPERTY; Conveyances; certain parcels of state owned property in Branch county and Wayne county; provide for and transfer certain property between state departments. (Sen. P. Hoffman)
483	5279		Yes	6/27	6/27	10/01/02	CRIMINAL PROCEDURE; Other; posttrial bail for person convicted of certain assaultive crimes; prohibit and increase certain probation fees and expand certain peace officers' jurisdiction to pursue lawbreakers. (Rep. G. Woronchak)
Veto	4022					03/15/02	TRAFFIC CONTROL; Speed restrictions; speed limits; allow input by townships in setting certain speed limits. (Rep. R. Jamnick)

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MICHIGAN ADMINISTRATIVE CODE TABLE
(2002 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the office of regulatory reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2002 RULE FILINGS)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
281.1224	*	3	285.408.24	R	12	285.1302	*	6
285.351	N	4	285.408.25	R	12	285.1303	*	6
285.352	N	4	285.408.27	R	12	285.1304	*	6
285.353	N	4	285.408.29	R	12	285.1306	*	6
285.354	N	4	285.409.1	R	12	285.1307	*	6
285.355	N	4	285.636.1	*	13	285.1308	*	6
285.356	N	4	285.636.2	*	13	285.1309	*	6
285.400.1	R	12	285.636.3	*	13	285.1310	*	6
285.402.1	R	12	285.636.4	*	13	285.1311	*	6
285.404.1	R	12	285.636.5	*	13	285.1312	*	6
285.405.1	R	12	285.636.7	*	13	285.1313	*	6
285.407.1	R	12	285.636.8	*	13	285.1314	*	6
285.407.2	R	12	285.636.10	R	13	285.1315	*	6
285.407.3	R	12	285.636.12	*	13	285.1316	*	6
285.407.4	R	12	285.636.15	*	13	285.1317	*	6
285.407.5	R	12	285.808.1	*	8	285.1318	*	6
285.407.6	R	12	285.808.2	*	8	285.1319	*	6
285.408.1	R	12	285.812.1	*	13	285.1320	*	6
285.408.2	R	12	285.812.3	*	13	285.1321	*	6
285.408.3	R	12	285.812.4	*	13	285.1322	*	6
285.408.4	R	12	285.812.6	*	13	285.1323	*	6
285.408.5	R	12	285.812.6a	R	13	285.1324	*	6
285.408.2	R	12	285.812.7a	*	13	285.1325	*	6
285.408.5	R	12	285.814.1	*	8	285.1326	*	6
285.408.6	R	12	285.814.2	*	8	285.1327	*	6
285.408.7	R	12	285.814.3	*	8	285.1328	*	6
285.408.8	R	12	285.814.4	*	8	285.1329	*	6
285.408.9	R	12	285.814.5	*	8	285.1330	*	6
285.408.10	R	12	285.814.7	*	8	285.1331	*	6
285.408.11	R	12	285.820.1	*	8	285.1332	*	6
285.408.12	R	12	285.820.5	*	8	285.1401	*	6
285.408.13	R	12	285.820.6	*	8	285.1402	R	6
285.408.14	R	12	285.1101	*	6	285.1403	*	6
285.408.15	R	12	285.1102	*	6	285.1404	R	6
285.408.16	R	12	285.1103	*	6	285.1405	*	6
285.408.17	R	12	285.1104	*	6	285.1406	*	6
285.408.18	R	12	285.1201	*	6	285.1407	R	6
285.408.19	R	12	285.1202	*	6	285.1408	*	6
285.408.21	R	12	285.1203	*	6	285.1501	*	6
285.408.23	R	12	285.1301	*	6	285.1510a	A	6

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
285.1502	*	6	291.304	*	8	291.375	*	8
285.1503	*	6	291.311	*	8	291.377	*	8
285.1504	*	6	291.312	*	8	291.378	*	8
285.1505	*	6	291.313	*	8	291.379	*	8
285.1506	*	6	291.314	*	8	291.381	*	8
285.1507	*	6	291.315	*	8	291.391	*	8
285.1508	*	6	291.316	*	8	291.392	*	8
285.1509	*	6	291.317	*	8	291.393	*	8
285.1510	*	6	291.318	*	8	291.394	*	8
285.1511	*	6	291.319	*	8	291.395	*	8
285.1512	*	6	291.321	*	8	291.397	*	8
285.1513	*	6	291.322	*	8	291.398	*	8
285.1514	*	6	291.331	*	8	291.399	*	8
285.1515	*	6	291.332	*	8	291.400a	A	8
285.1516	R	6	291.333	*	8	291.401	*	8
285.1517	*	6	291.334	*	8	291.402	*	8
285.1601	R	6	291.335	*	8	291.403	*	8
285.1602	*	6	291.336	*	8	291.404	*	8
285.1603	*	6	291.337	*	8	291.405	*	8
285.1604	*	6	291.338	*	8	291.407	A	8
285.1605	*	6	291.339	*	8	291.413	*	8
285.1606	*	6	291.341	*	8	291.422	*	8
285.1607	*	6	291.342	*	8	291.423	*	8
285.1608	R	6	291.343	*	8	291.424	A	8
285.1609	R	6	291.344	*	8	291.425	*	8
285.1701	*	6	291.345	*	8	291.426	*	8
285.1702	*	6	291.346	*	8	291.427	*	8
285.1703	*	6	291.347	*	8	291.441	*	8
285.1704	*	6	291.351	*	8	291.442	*	8
285.1705	*	6	291.352	*	8	291.443	*	8
285.1801	*	6	291.353	*	8	291.449	*	8
285.1901	*	6	291.354	*	8	291.450	*	8
285.1902	*	6	291.355	*	8	291.471	*	8
285.1903	*	6	291.356	*	8	291.472	R	8
285.1904	*	6	291.357	*	8	291.473	R	8
285.1905	*	6	291.358	*	8	291.475	R	8
285.1906	*	6	291.359	*	8	291.476	R	8
285.1907	*	6	291.360	*	8	291.478	R	8
291.301	*	8	291.363	*	8	291.479	R	8
291.303	*	8	291.365	*	8	291.480	R	8

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291.491	*	8	318.122	*	13	325.11506	*	10
291.492	*	8	318.123	*	13	325.60151	*	1
291.493	*	8	318.124	*	13	325.66201	A	4
291.494	*	8	318.126	R	13	325.77101	*	1
291.495	R	8	318.127	*	13	336.1102	*	10
291.496	*	8	318.129	*	13	336.1104	*	10
291.497	*	8	318.133	*	13	336.1105	*	10
299.641	R	12	318.134	*	13	336.1107	*	10
299.642	R	12	318.135	R	13	336.1108	*	10
299.643	R	12	318.136	*	13	336.1113	*	10
299.644	R	12	318.141	*	13	336.1118	*	10
299.645	R	12	318.142	*	13	336.1120	*	10
299.646	R	12	318.143	*	13	336.1301	*	5
299.647	R	12	318.144	*	13	336.1303	*	5
299.648	R	12	318.145	*	13	336.1330	*	5
299.649	R	12	318.145b	*	13	336.1331	*	5
299.650	R	12	318.146	*	13	336.1371	*	5
299.651	R	12	318.147	R	13	336.1372	*	5
299.652	R	12	325.10103	*	10	336.1374	*	5
299.653	R	12	325.10105	*	10	336.1401	*	5
299.654	R	12	325.10106	*	10	336.1403	*	5
299.655	R	12	325.10107	*	10	336.1601	*	5
299.656	R	12	325.10108	*	10	336.1602	*	5
299.657	R	12	325.10109	*	10	336.1604	*	5
299.658	R	12	325.10112	*	10	336.1605	*	5
299.659	R	12	325.10116	A	10	336.1606	*	5
299.1027	*	12	325.10410	*	10	336.1607	*	5
318.111	*	13	325.10604c	*	10	336.1608	*	5
318.112	R	13	325.10604f	*	10	336.1610	*	5
318.113	R	13	325.10705	*	10	336.1615	*	5
318.114	R	13	325.10710	*	10	336.1616	*	5
318.115	R	13	325.10710a	*	10	336.1617	*	5
318.116	R	13	325.10710b	*	10	336.1618	*	5
318.117	R	13	325.10710c	*	10	336.1619	*	5
318.118	R	13	325.10710d	*	10	336.1622	*	5
318.119a	R	13	325.10716	*	10	336.1623	*	5
318.119c	R	13	325.10717b	*	10	336.1627	*	5
318.119d	R	13	325.10734	*	10	336.1628	*	5
318.120	R	13	325.10736	R	10	336.1629	*	5
318.121	*	13	325.10738	R	10	336.1630	*	5

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336.1651	*	5	338.3113a	*	7	339.23309	*	9
336.1701	*	5	338.3114a	*	7	339.23311	*	9
336.1702	*	5	338.3117	*	7	339.23317	*	9
336.1703	*	5	338.3119a	*	7	339.23319	*	9
336.1704	*	5	338.3120	*	7	339.23321	*	9
336.1705	*	5	338.3121a	A	7	339.23323	*	9
336.1901	*	5	338.3123	*	7	339.23326	A	9
336.1906	*	5	338.3125	*	7	339.23401	*	9
336.1911	*	5	338.3126	A	7	339.23403	*	9
336.1915	A	10	338.3127	*	7	339.23405	*	9
336.1916	A	10	338.3132	*	7	340.1701	*	11
336.1930	*	5	338.3133	R	7	340.1701a	*	11
336.1931	*	5	338.3134	R	7	340.1701b	*	11
336.1932	*	5	338.3136	*	7	340.1701c	A	11
336.2001	*	5	338.3138	*	7	340.1702	*	11
336.2002	*	5	338.3139	*	7	340.1703	R	11
336.2003	*	5	338.3141	*	7	340.1704	R	11
336.2004	*	5	338.3143	*	7	340.1705	*	11
336.2005	*	5	338.3145	*	7	340.1706	*	11
336.2007	*	5	338.3151	*	7	340.1707	*	11
336.2011	*	5	338.3152	*	7	340.1708	*	11
336.2012	*	5	338.3153	*	7	340.1709	*	11
336.2013	*	5	338.3153a	*	7	340.1709a	A	11
336.2014	*	5	338.3154	*	7	340.1710	*	11
336.2021	*	5	338.3161	*	7	340.1711	*	11
336.2040	*	5	338.3162	*	7	340.1713	*	11
336.2041	*	5	338.3162a	*	7	340.1714	*	11
336.2060	*	5	338.3163	*	7	340.1715	*	11
336.2101	*	5	338.3167	*	7	340.1716	A	11
336.2150	*	5	338.3168	*	7	340.1721	*	11
336.2155	*	5	338.3169	*	7	340.1721a	*	11
336.2159	*	5	338.3170	*	7	340.1721b	*	11
336.2170	*	5	339.23101	*	9	340.1721c	*	11
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336.2189	*	5	339.23201	*	9	340.1721e	*	11
336.2190	*	5	339.23203	*	9	340.1722	*	11
338.1555	A	1	339.23207	*	9	340.1722a	*	11
338.3101	*	7	339.23301	*	9	340.1722c	R	11
338.3102	*	7	339.23303	*	9	340.1722d	R	11

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340.1722f	R	11	340.1754	*	11	340.1808	*	11
340.1723	R	11	340.1755	*	11	340.1809	*	11
340.1723a	R	11	340.1756	*	11	340.1810	*	11
340.1723b	R	11	340.1757	*	11	340.1811	*	11
340.1723c	*	11	340.1758	*	11	340.1812	*	11
340.1724	*	11	340.1771	*	11	340.1831	*	11
340.1724a	*	11	340.1772	*	11	340.1832	*	11
340.1724b	R	11	340.1773	R	11	340.1833	*	11
340.1724c	A	11	340.1774	A	11	340.1834	R	11
340.1724d	*	11	340.1781	*	11	340.1835	*	11
340.1725	R	11	340.1782	*	11	340.1836	*	11
340.1725a	R	11	340.1783	*	11	340.1837	*	11
340.1725b	R	11	340.1783a	A	11	340.1838	*	11
340.1725c	R	11	340.1784	R	11	340.1839	*	11
340.1725d	R	11	340.1785	R	11	340.1851	*	11
340.1725e	*	11	340.1786	*	11	340.1852	*	11
340.1725f	A	11	340.1787	*	11	340.1853	*	11
340.1732	*	11	340.1788	*	11	340.1861	*	11
340.1733	*	11	340.1790	*	11	340.1862	R	11
340.1734	*	11	340.1791	R	11	340.1863	R	11
340.1736	R	11	340.1792	*	11	340.1864	R	11
340.1737	R	11	340.1793	*	11	340.1865	R	11
340.1738	*	11	340.1793a	A	11	340.1866	R	11
340.1739	*	11	340.1794	R	11	340.1867	R	11
340.1740	*	11	340.1795	*	11	340.1868	R	11
340.1741	*	11	340.1796	*	11	340.1869	R	11
340.1742	*	11	340.1797	*	11	340.1870	R	11
340.1743	*	11	340.1798	*	11	340.1871	R	11
340.1744	*	11	340.1799	*	11	340.1872	R	11
340.1745	*	11	340.1799a	*	11	340.1873	R	11
340.1746	*	11	340.1799b	*	11	408.8151	*	13
340.1747	*	11	340.1799c	*	11	408.11801	*	7
340.1748	*	11	340.1799d	R	11	408.11803	*	7
340.1749	*	11	340.1799e	A	11	408.11804	*	7
340.1749a	*	11	340.1799f	A	11	408.11805	*	7
340.1749b	*	11	340.1801	*	11	408.11806	*	7
340.1749c	*	11	340.1802	*	11	408.11807	A	7
340.1750	*	11	340.1803	*	11	408.11808	A	7
340.1751	*	11	340.1805	R	11	408.11821	*	7

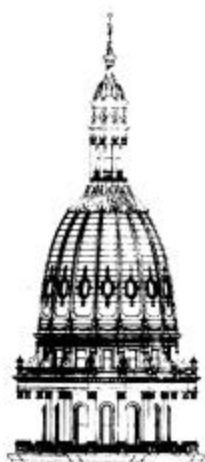
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408.11824	*	7	418.10503	R	1	423.147	A	1
408.11825	*	7	418.10901	*	1	423.148	A	1
408.11826	R	7	418.10904	*	1	423.149	A	1
408.11827	A	7	418.10909	A	1	423.149a	A	1
408.11833	A	7	418.10912	*	1	423.149b	A	1
408.11835	*	7	418.10916	*	1	423.151	A	1
408.11837	R	7	418.10918	R	1	423.152	A	1
408.11841	*	7	418.10923	*	1	423.153	A	1
408.11843	*	7	418 101005	A	1	423.154	A	1
408.11844	A	7	421.121	*	7	423.155	A	1
408.11845	*	7	421.122	*	7	423.156	A	1
408.11847	*	7	421.150	*	7	423.157	A	1
408.11851	*	7	421.190	*	7	423.158	A	1
408.11852	*	7	421.201	*	7	423.161	A	1
408.11853	*	7	421.204	*	7	423.162	A	1
408.11854	A	7	421.216	*	7	423.163	A	1
408.11855	*	7	421. 210	*	7	423.164	A	1
408.11857	*	7	423.101	A	1	423.165	A	1
408.11859	*	7	423.102	A	1	423.166	A	1
408.11861	*	7	423.103	A	1	423.167	A	1
408.11865	*	7	423.104	A	1	423.171	A	1
408.11871	*	7	423.105	A	1	423.172	A	1
408.11872	*	7	423.121	A	1	423.173	A	1
408.11873	A	7	423.122	A	1	423.174	A	1
408.11874	A	7	423.123	A	1	423.175	A	1
408.11875	*	7	423.124	A	1	423.176	A	1
418.101002	*	1	423.131	A	1	423.177	A	1
418.10107	*	1	423.132	A	1	423.178	A	1
418.10115	*	1	423.133	A	1	423.179	A	1
418.10116	*	1	423.134	A	1	423.181	A	1
418.10117	*	1	423.135	A	1	423.182	A	1
418.10202	*	1	423.136	A	1	423.183	A	1
418.10205	*	1	423.137	A	1	423.184	A	1
418.10405	R	1	423.138	A	1	423.191	A	1
418.10406	R	1	423.141	A	1	423.192	A	1
418.10407	R	1	423.142	A	1	423.193	A	1
418.10411	R	1	423.143	A	1	423.194	A	1
418.10415	R	1	423.144	A	1	423.401	R	1
418.10501	R	1	423.145	A	1	423.403	R	1

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423.422	R	1			
423.423	R	1			
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423.433	R	1			
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423.441	R	1			
423.442	R	1			
423.443	R	1			
423.444	R	1			
423.445	R	1			
423.446	R	1			
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423.454	R	1			
423.455	R	1			
423.456	R	1			
423.461	R	1			
423.462	R	1			
423.463	R	1			
423.464	R	1			
423.465	R	1			
423.466	R	1			
423.467	R	1			
423.468	R	1			
423.469	R	1			
423.470	R	1			
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